

D-1

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

December 9, 2005

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: _____

STATEWIDE

Set Aside to Department of Agriculture for Agriculture
Purposes, Statewide.

APPLICANT:

Department of Agriculture

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes (HRS), as amended.
Act 90, Sessions Laws of Hawaii 2003.

LOCATION:

Portion of Government lands situated Statewide and identified by
Tax Map Keys as shown on the attached map labeled Exhibit A.

AREA:

See Exhibit B, to be further determined by DAGS Survey Division.

ZONING:

State Land Use District: See Exhibit B
County Zoning Ordinance: See Exhibit B

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: See Exhibit B

CURRENT USE STATUS:

See Exhibit B

PURPOSE:

Agriculture purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

APPLICANT REQUIREMENTS:

Not applicable

BACKGROUND:

The Legislature in 2003 found that certain public lands classified for agricultural use by the Department of Land and Natural Resources (DLNR) should be transferred and managed by the Department of Agriculture (DOA) for the development of farms on as widespread a basis as possible which is established by Article XI, Section 10 of the State Constitution. This resulted in the passing and signing of Act 90, Session Laws of Hawaii 2003. (Exhibit C) Later, Act 235, Session Laws of Hawaii 2005 passed establishing a non-agricultural park lands special fund at DOA for the collection of lease rents, fees, penalties, and any other revenue or funds collected from non-agricultural park lands that are transferred, or in the process of being transferred from DLNR to DOA.

Act 90 also specified certain conditions of the encumbered agricultural lands to be transferred, such as the tenant shall not be in arrears in the payment of rent or taxes, and shall otherwise be in full compliance with the terms and conditions of the leases or permits. The proposed list of agricultural lands to be set aside to DOA is attached hereto as Exhibit B.

DOA and DLNR staff have met on several occasions to discuss the intent of Act 90 and the proposed list of properties to be transferred. The Staffs from both DOA and DLNR both agree that the set aside should move forward in a manner that would effectuate a smooth and efficient transition from the management of agricultural leases from DLNR to DOA. Accordingly, the staff at DOA and DLNR has agreed that the transfers will occur incrementally, starting with the islands of Hawaii and Molokai, with the other islands to follow, in an order that is agreed upon between the respective staffs at DOA and DLNR. The proposed list of properties to be transferred (Exhibit B) is required to be approved by both this Board and the Board of Agriculture.

REMARKS:

Agricultural leases or permits encumber a majority of the

properties to be set aside, but a limited number are vacant. Although it is staffs' belief that the spirit and intent of Act 90 was to transfer over to DOA those lands that were encumbered with agricultural leases, DOA's staff requested some unencumbered lands be included. Based on the State land use classification and county zoning, the highest and best for the properties to be transferred is agricultural purposes. The existing agricultural use will continue unchanged. DOA is charged with maintaining agricultural lands and water resources for Hawaii's diversified agriculture industry. DOA is also tasked with making lands available to small farmers for a reasonable fee and a long-term tenure.

The lands currently set aside to DOA are only for the development and management of agricultural park purposes, in accordance with Chapter 166, Hawaii Revised Statutes and its related administrative rules.¹ DOA has four (4) agricultural parks on Oahu with a total of 58 lots, one (1) agricultural park on Molokai with 22 lots, four (4) agricultural parks on Hawaii with a total of 133 lots, and one (1) agricultural park on Kauai with 19 lots.

Staff believes it is appropriate to set aside encumbered agricultural lands to DOA because DOA better understands the issues confronting farmers, and provides information and other services that help the business farmer, such as pesticide information, water for irrigation purposes, etc., akin to a one-stop shop for farmers. Staff also believes that one of the purposes of Act 90 was to help ensure that agricultural lands be used for agricultural purposes on a long-term basis. While private landowners maybe developing their agricultural lands into upscale residential subdivisions, the proposed transfer to DOA will help assure that these agricultural lands are used for agriculture purposes, for as long as possible.

Comments were solicited and their statements are listed below:

DHHL	No response
Historic Preservation	Kauai properties - no objections
Division of Forestry & Wildlife	No objections
Division of State Parks	No comments
Division of Water Resource Management	No response
City & County of Honolulu, DPP	Three Waimanalo tenants have violations (GL #4298, #3762, #3774). No objections
County of Maui, Dept. of	No comments

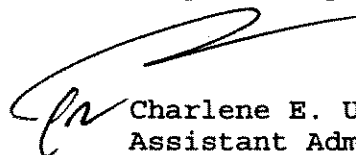
¹ Thus, staff believes that at least one of the purposes of Act 90 was to transfer over to DOA the management and control of certain encumbered agricultural lands that are not necessarily designated as an "agricultural park" under Chapter 166, HRS.

Planning	
County of Hawaii, Planning Dept.	No response
County of Kauai, Dept. of Planning	No response
OHA	No response

RECOMMENDATION: That the Board:

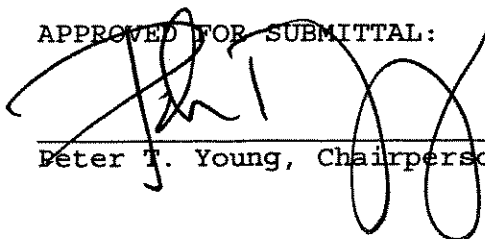
1. Subject to the Board of Agriculture approval.
2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to Department of Agriculture under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

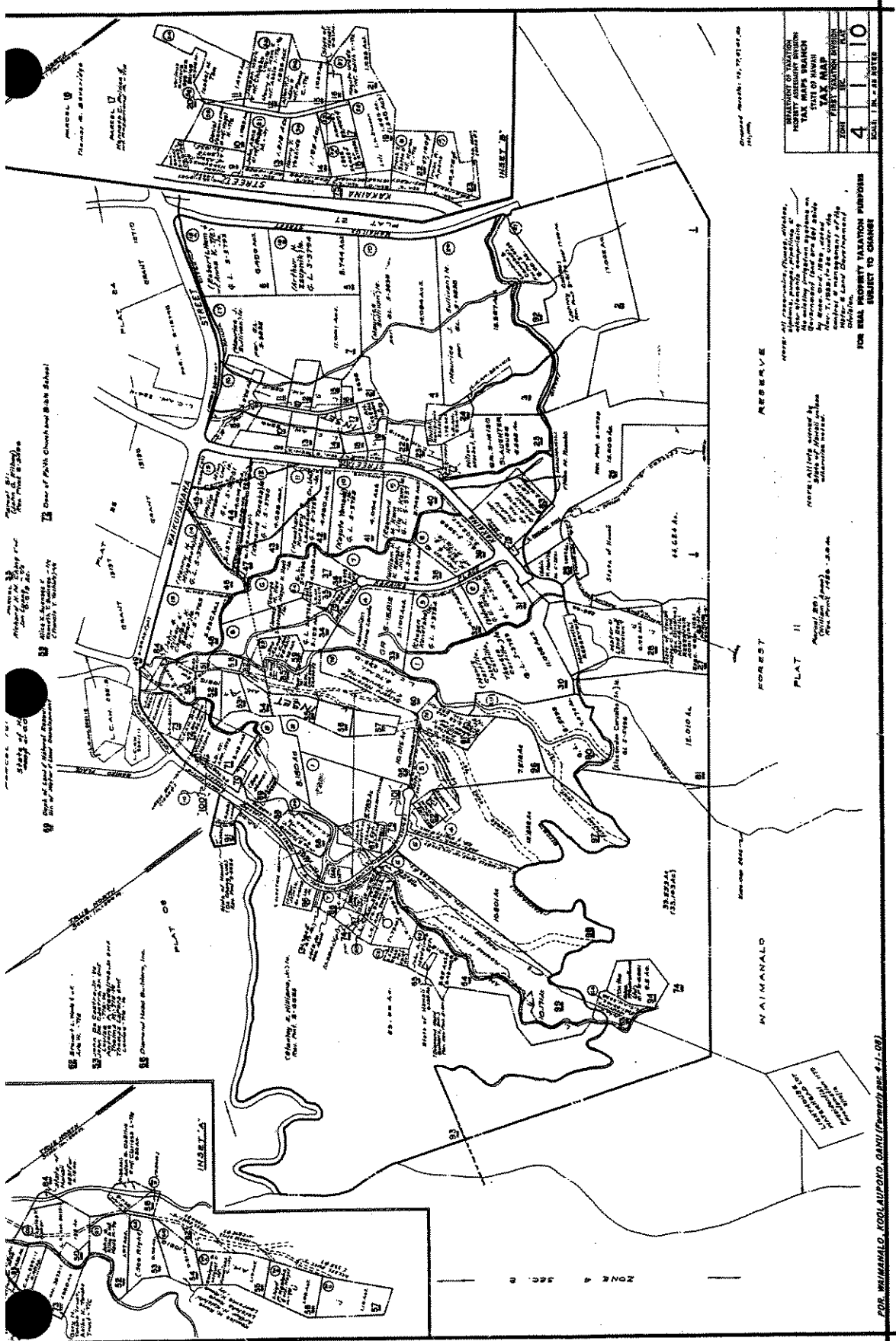
Respectfully Submitted,



Charlene E. Unoki
Assistant Administrator

APPROVED FOR SUBMITTAL:


Peter T. Young, Chairperson



RECORDING OFFICE	4	1	1	0
RECORDING OFFICE	4	1	1	0
RECORDING OFFICE	4	1	1	0
RECORDING OFFICE	4	1	1	0
RECORDING OFFICE	4	1	1	0

NOTE: All reservations, forest, reserve, and other lands, are subject to the provisions of the Hawaiian Land Commission Act, Chapter 215, Laws of Hawaii, 1921, and the Hawaiian Land Commission Act, Chapter 215, Laws of Hawaii, 1921, and the Hawaiian Land Commission Act, Chapter 215, Laws of Hawaii, 1921.

NOTE: All lands owned by the Hawaiian Land Commission, are subject to the provisions of the Hawaiian Land Commission Act, Chapter 215, Laws of Hawaii, 1921, and the Hawaiian Land Commission Act, Chapter 215, Laws of Hawaii, 1921, and the Hawaiian Land Commission Act, Chapter 215, Laws of Hawaii, 1921.

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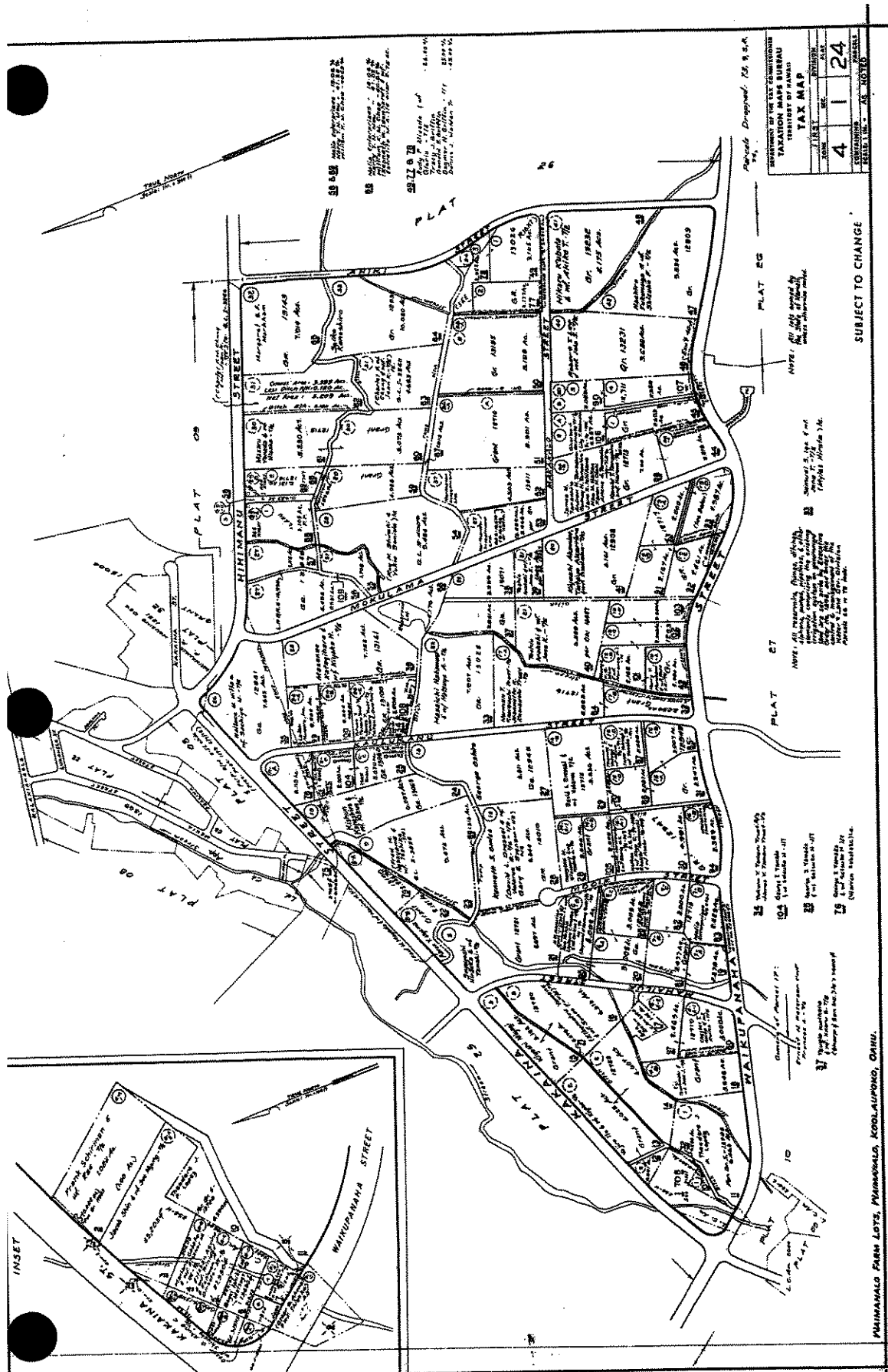
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FOR NAIMANALO, KOOLUPOKO, OAHU (Partially per 4-1-00)

EXHIBIT "A"



RECEIVED BY THE TAX COMMISSIONER
TAXATION MAPS BUREAU
TESTIMONY OF HAWAII
TAX MAP

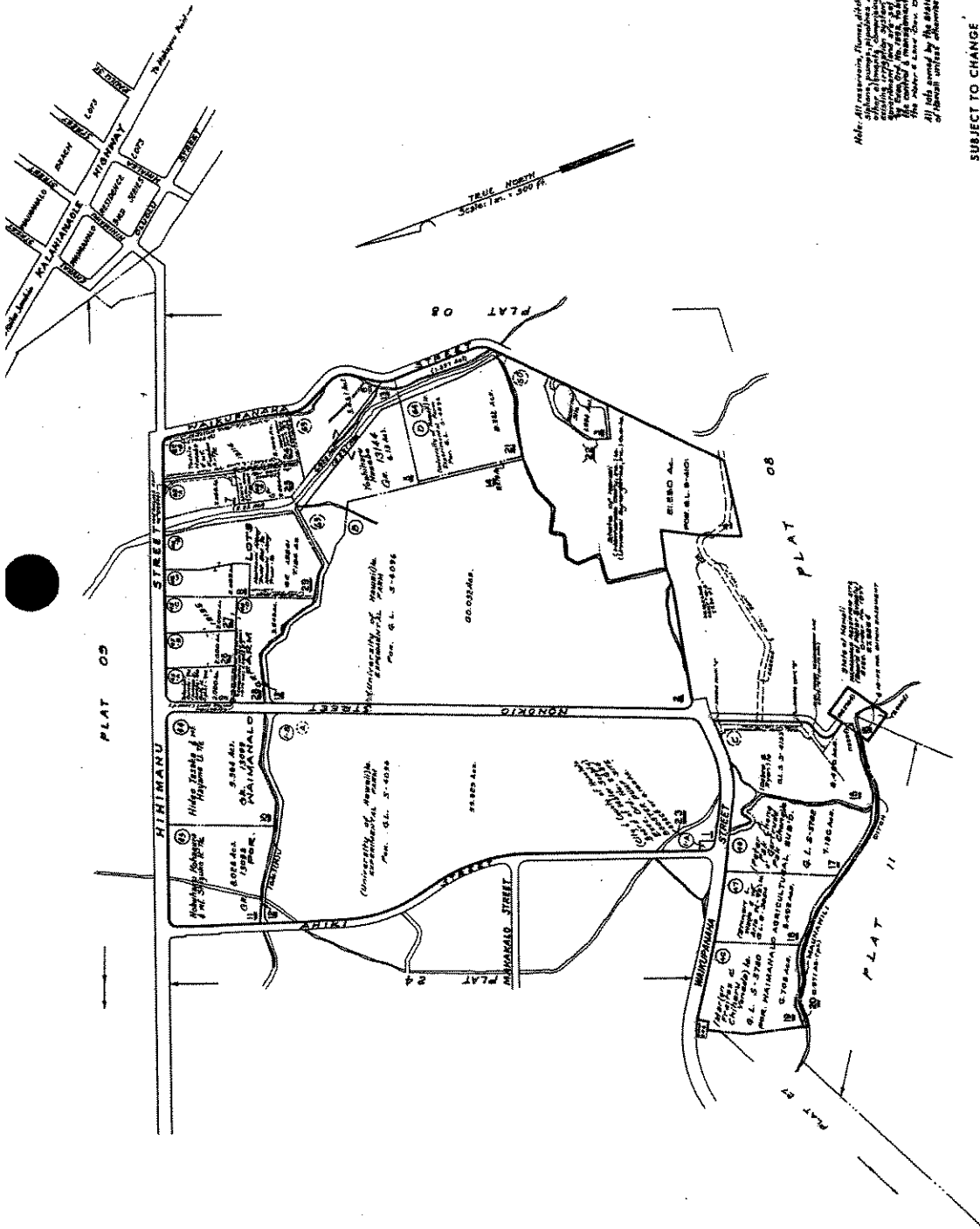
DATE	FILE	NO.
4	1	24

RECEIVED BY THE TAX COMMISSIONER
TAXATION MAPS BUREAU
TESTIMONY OF HAWAII
TAX MAP

SUBJECT TO CHANGE

MAINWALE FARM LOTS, MAINWALE, KOOLAU POINT, OAHU.

EXHIBIT "A"



Source: Department of Public Works, Honolulu, 1957.

Note: All reservations, easements, and other interests shown on this map are subject to the provisions of the Hawaiian Land Use Act of 1960. All lots owned by the State of Hawaii are shown in white.

DEPARTMENT OF PUBLIC WORKS TERRITORY OF HAWAII	
TAX MAP	
4	1.26
4	1.26

SUBJECT TO CHANGE

MAIMANALO, KOOLAULOHO, OAHU.

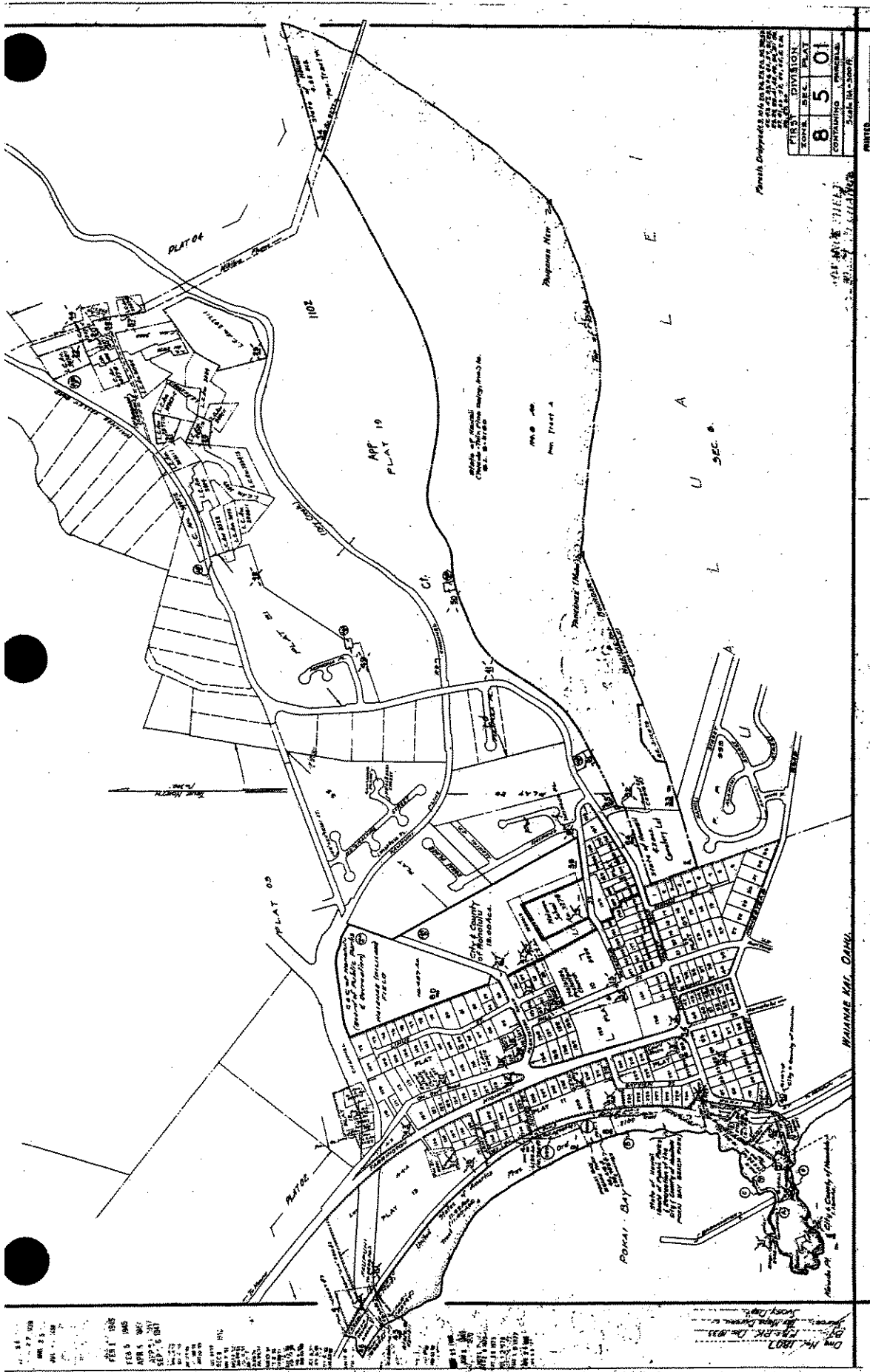


EXHIBIT "A"

W A I P I O
LO OF APP. 1000
SEC. 8

W A I A N A E U K A
U. S. MILITARY RESERVATION
SCHOFIELD BARRECKS
ZONE 7

PLAT 04

HOAEE

K E L E
AWARD

LOWER

POUMALA

H O O N O U L I U L I

SEC. 2

UPPER POUMALA, WAIKELE, EWA, OAHU

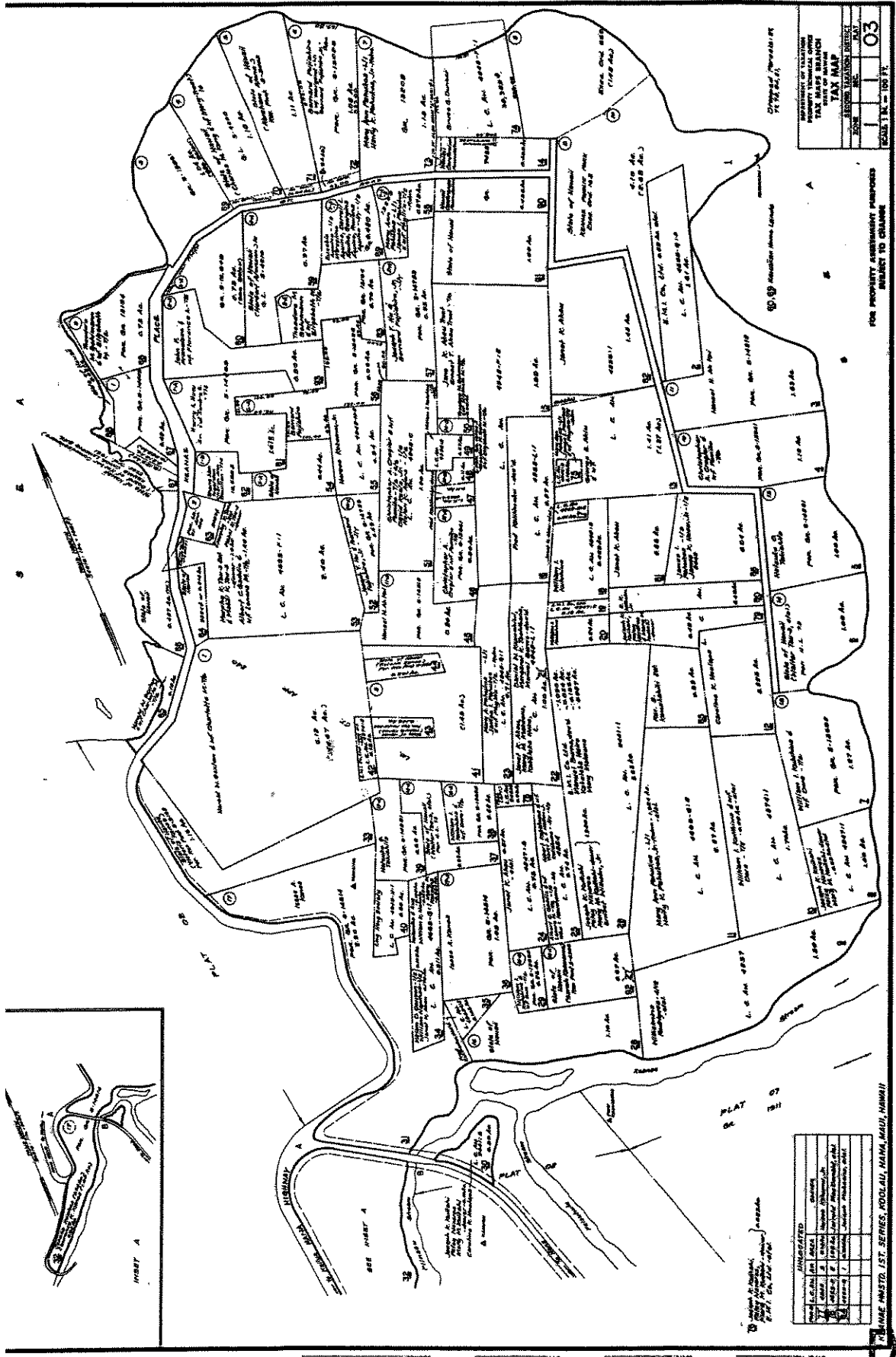
Plats Shaded 442

TAXATION MAPS BUREAU HONOLULU, HAWAII	
TAX MAP	
FIRST DIVISION	
ZONE SEC. PLAT	
9 4 12	
CONTAINING PARCELS	
SCALE 1" = 100 FT.	

EXHIBIT "A"

Dwg No. 2412
The Maps Bureau & Survey Dept.
Dwg. No. 2412
Dwg. No. 2412

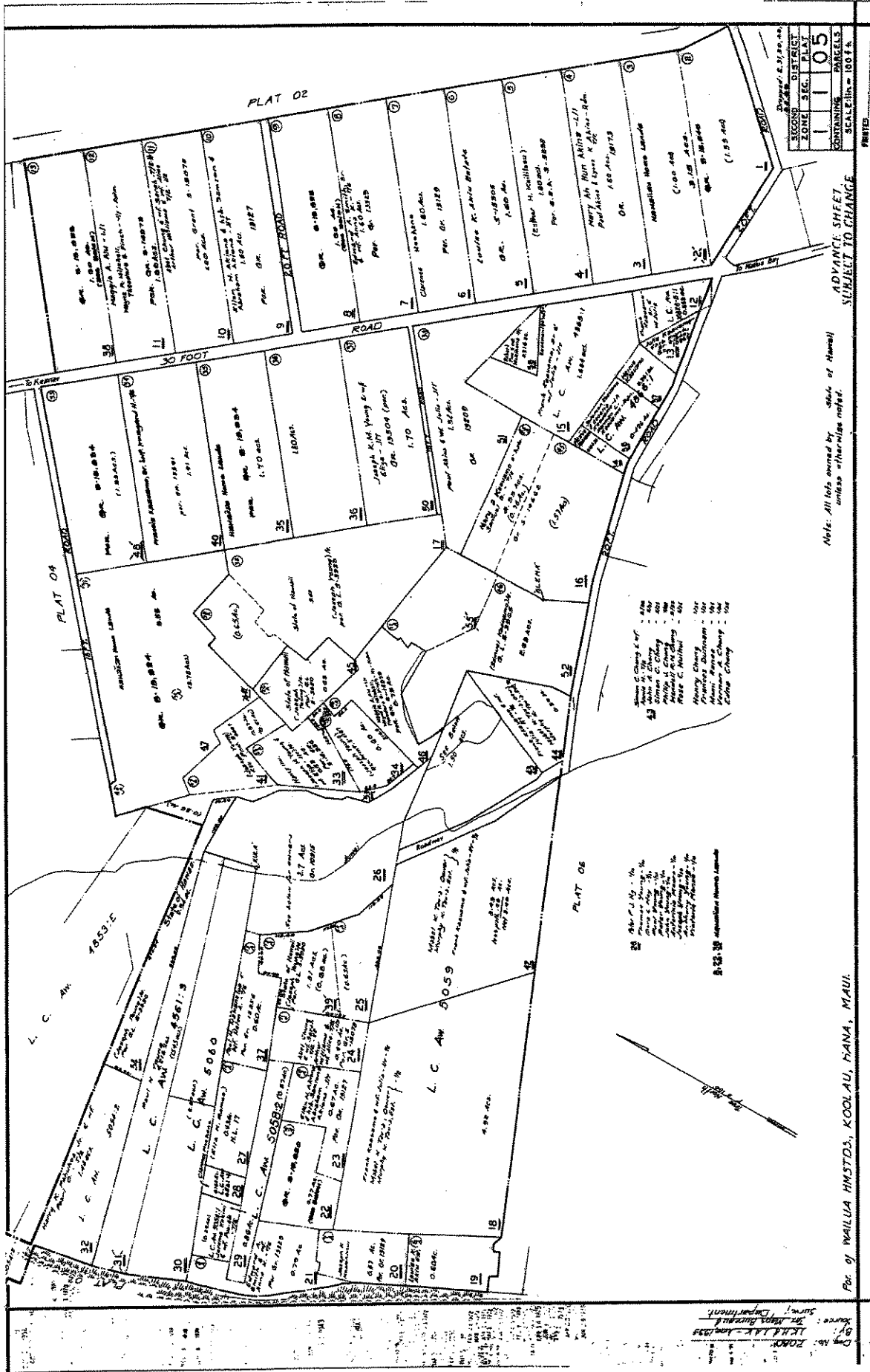
NOV 6 1945
U.S. MILITARY RESERVATION
SCHOFIELD BARRECKS
ZONE 7



DEPARTMENT OF LAND AND NATURAL RESOURCES	
TAX MAP BRANCH	
TAX MAP	
ZONE	03
DATE	MAY 1971
SCALE 1" = 100 FT.	

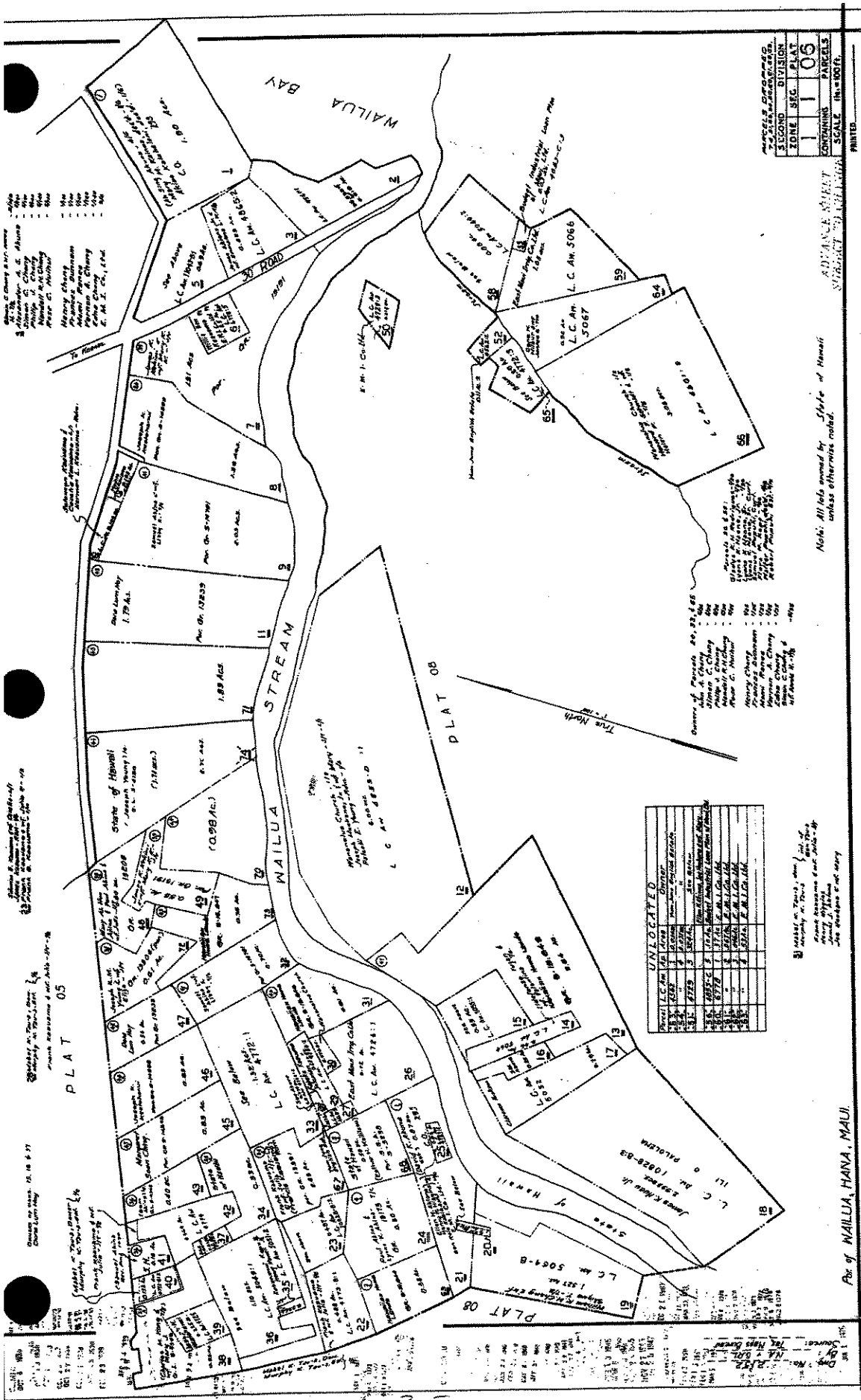
UNRECORDED	RECORDED
1. L. C. No. 4888-11	1. L. C. No. 4888-11
2. L. C. No. 4888-12	2. L. C. No. 4888-12
3. L. C. No. 4888-13	3. L. C. No. 4888-13
4. L. C. No. 4888-14	4. L. C. No. 4888-14
5. L. C. No. 4888-15	5. L. C. No. 4888-15
6. L. C. No. 4888-16	6. L. C. No. 4888-16
7. L. C. No. 4888-17	7. L. C. No. 4888-17
8. L. C. No. 4888-18	8. L. C. No. 4888-18
9. L. C. No. 4888-19	9. L. C. No. 4888-19
10. L. C. No. 4888-20	10. L. C. No. 4888-20

UNRECORDED
RECORDED
L. C. No. 4888-11
L. C. No. 4888-12
L. C. No. 4888-13
L. C. No. 4888-14
L. C. No. 4888-15
L. C. No. 4888-16
L. C. No. 4888-17
L. C. No. 4888-18
L. C. No. 4888-19
L. C. No. 4888-20



ADVANCE SHEET
SUBJECT TO CHANGE

For: of WAIALUA HAMLETS, KOOLAU, MAUNA, MAUI.



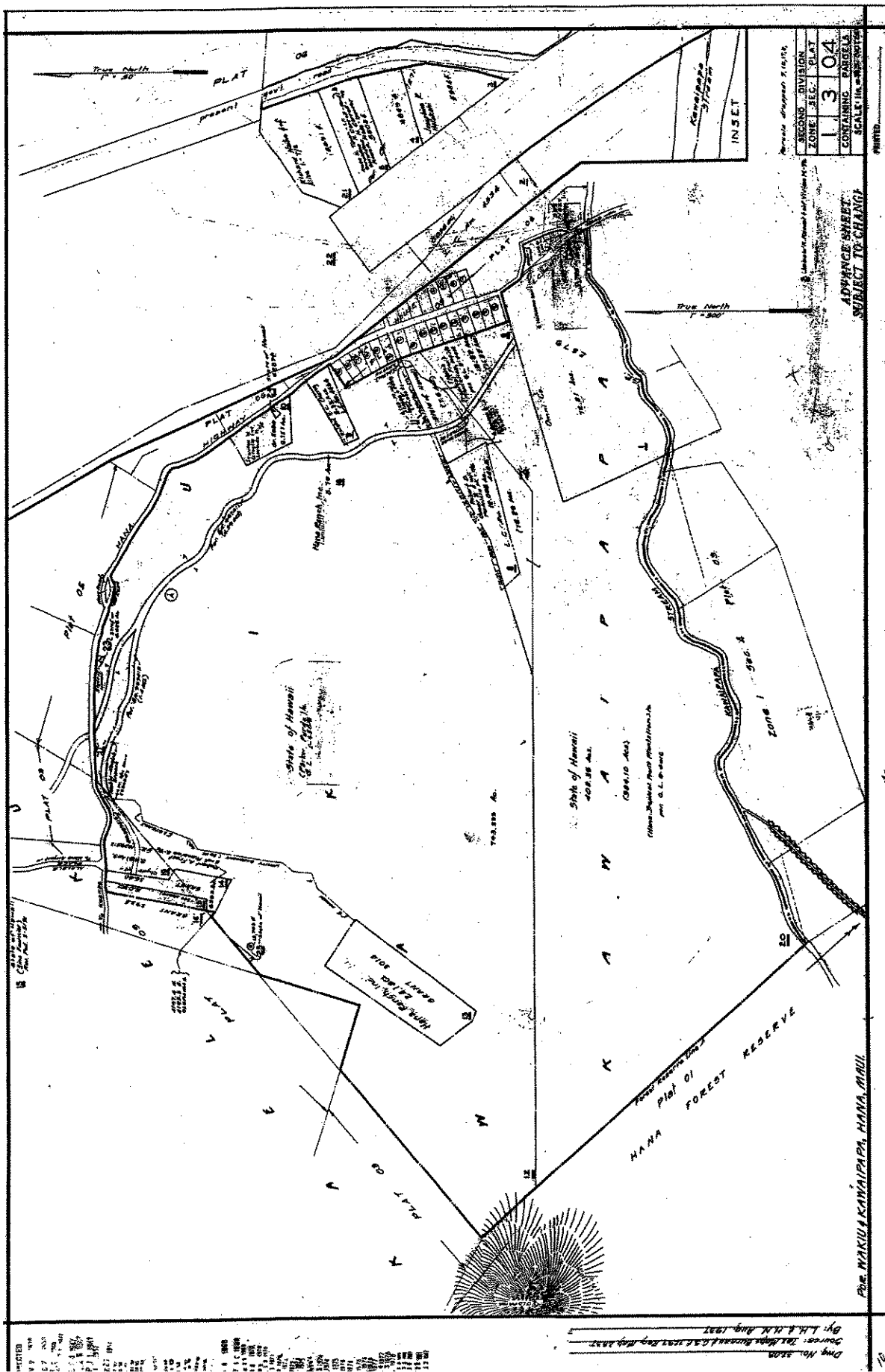
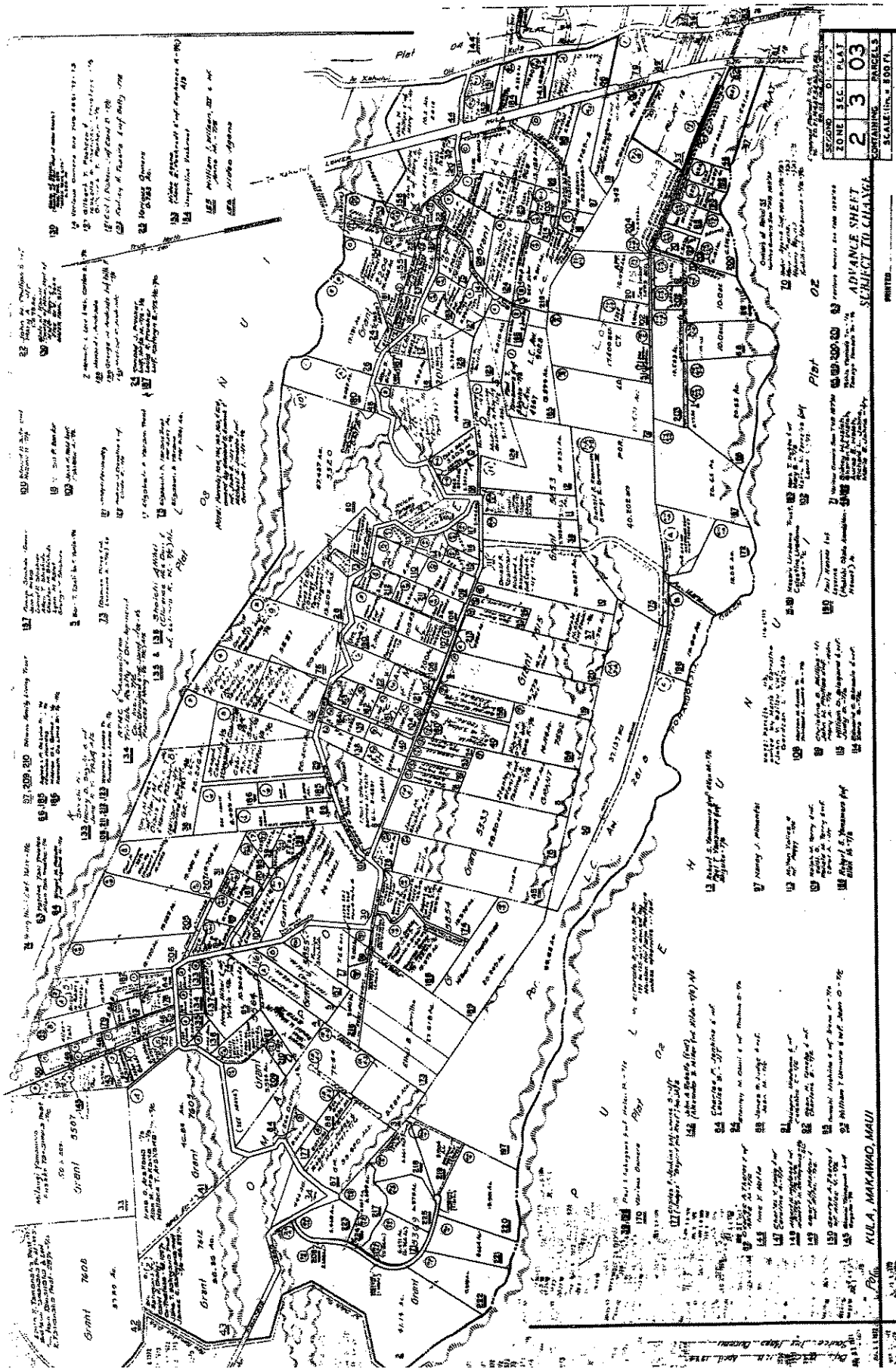


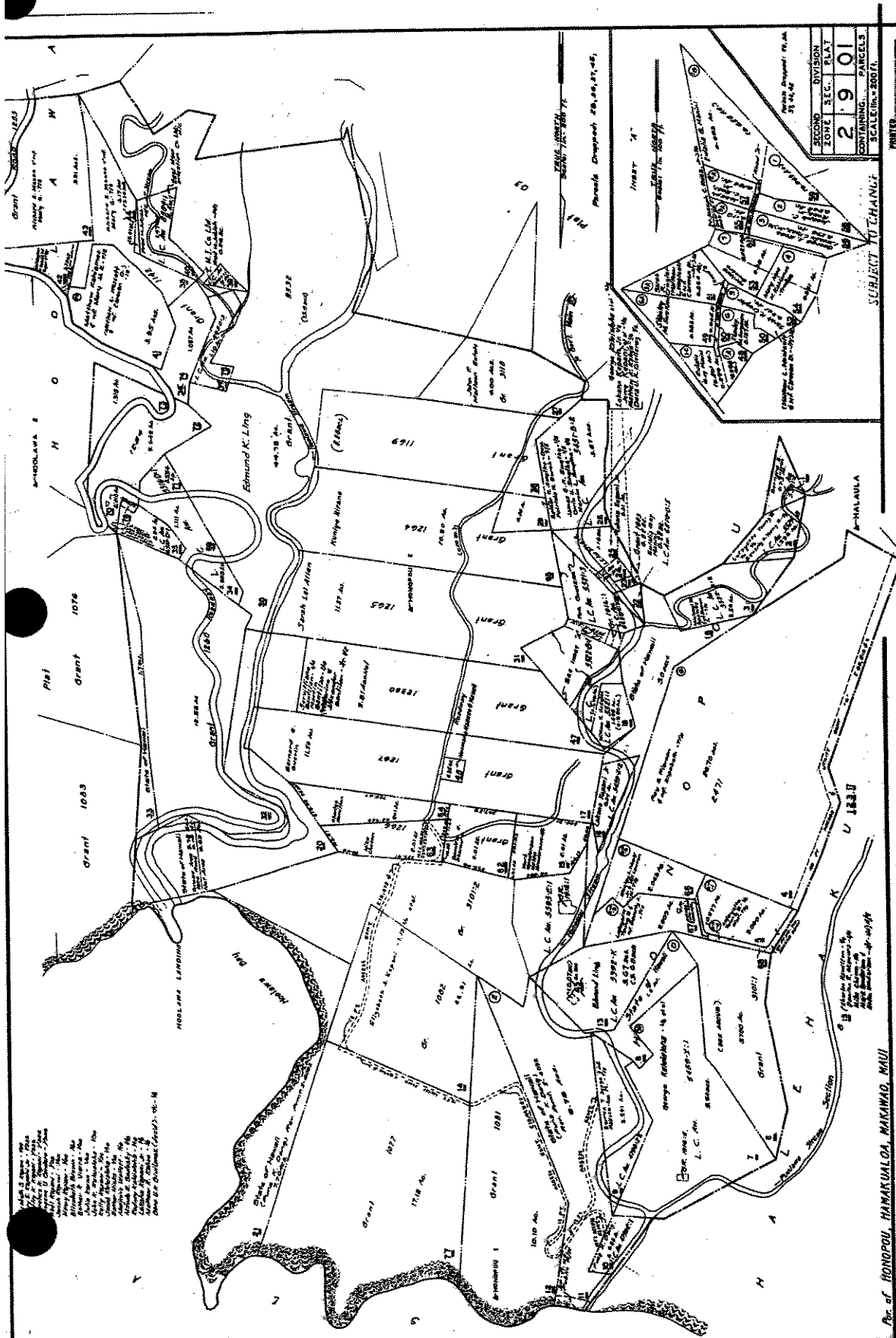
EXHIBIT "A"



ZONE	SAC	BLK
2	3	03
CONTAINING PARCELS		
SCALE 1" = 100'		

ADVANCE SHEET
SUBJECT TO CHANGE

EXHIBIT "A"

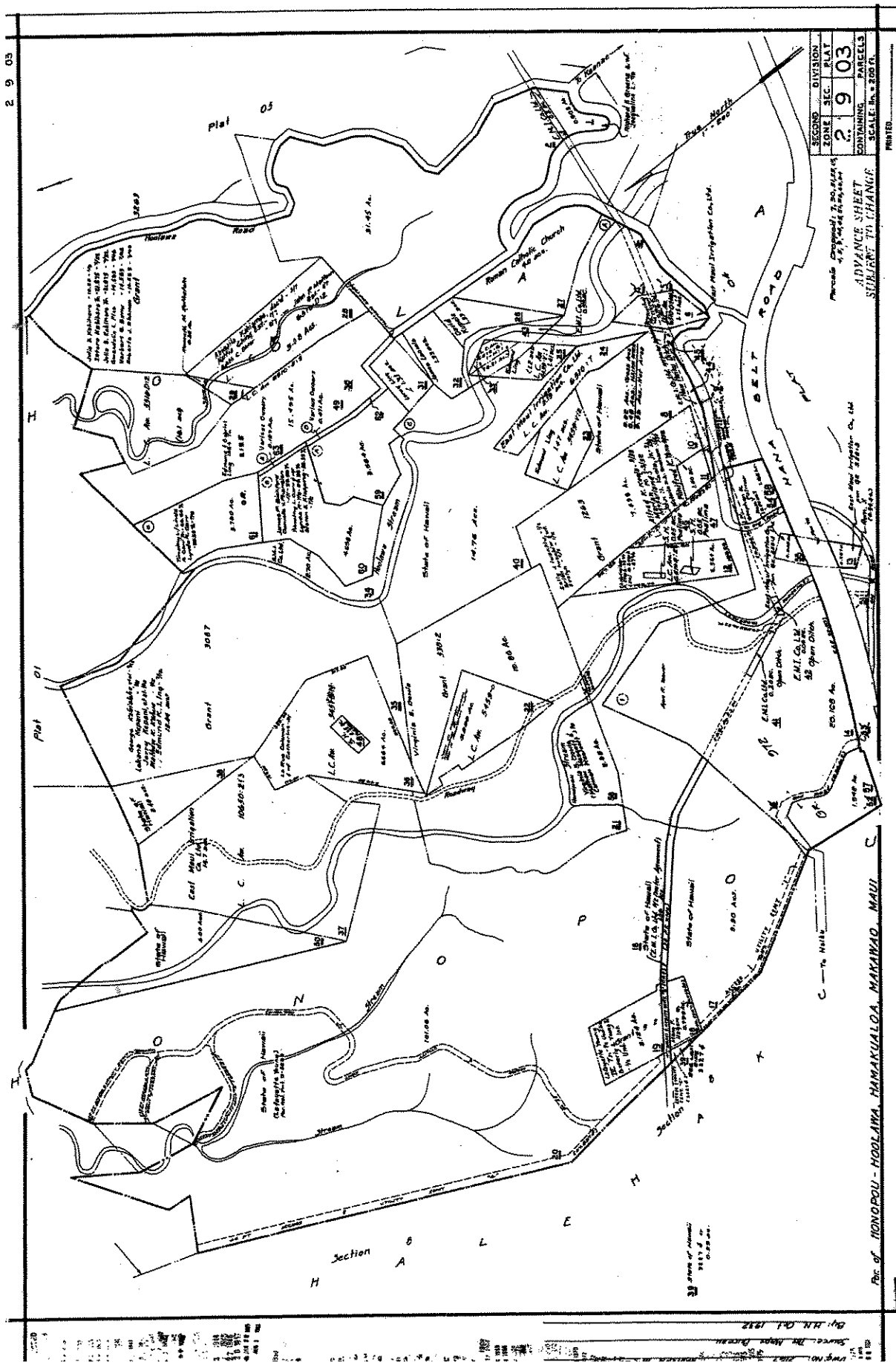


DIVISION	2
ZONE	9
SEC.	01
PLAT	
CONTAINING PARCELS	
SCALE	1"=200'

SUBJECT TO CHANGE

Part of KONOPOU, HANAKUALOA, MAHAKOA, MAUI

EXHIBIT "A"

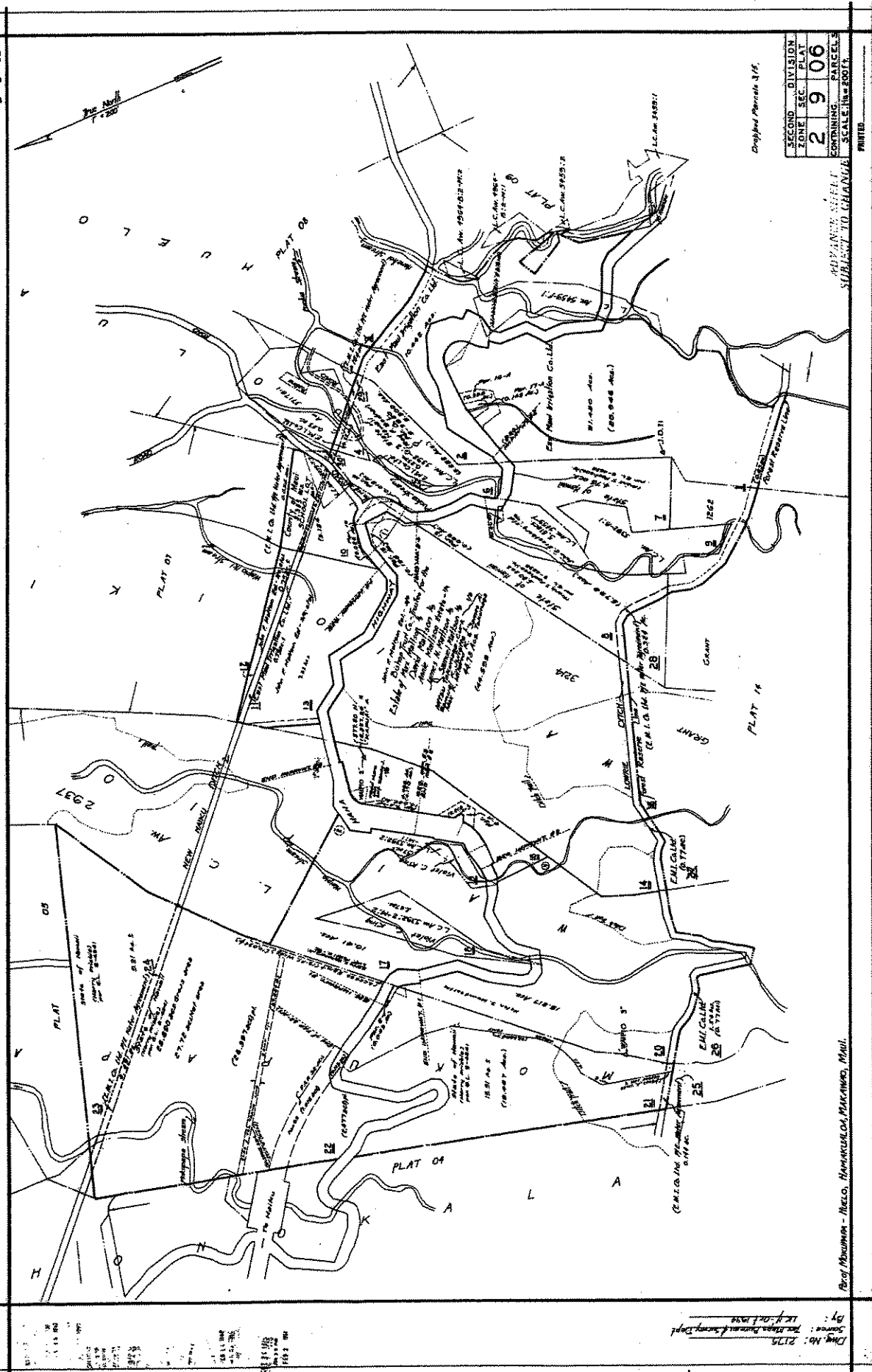


SECOND	DIVISION
ZONE	SEC. PLAT
2	9 03
CONTAINING	PARCELS
SCALE: 1 in. = 200 ft.	

PRINTED

Part of HONOLULU - HOOLAWA, HAWAIIAN ISLANDS, MAUI, C.

EXHIBIT "A"



Original Plans 316.

SECOND DIVISION	2906
FOURTH SEC. PLAT	2906
CONTAINING PARCELS	2906
SCALE 1:1000	2906

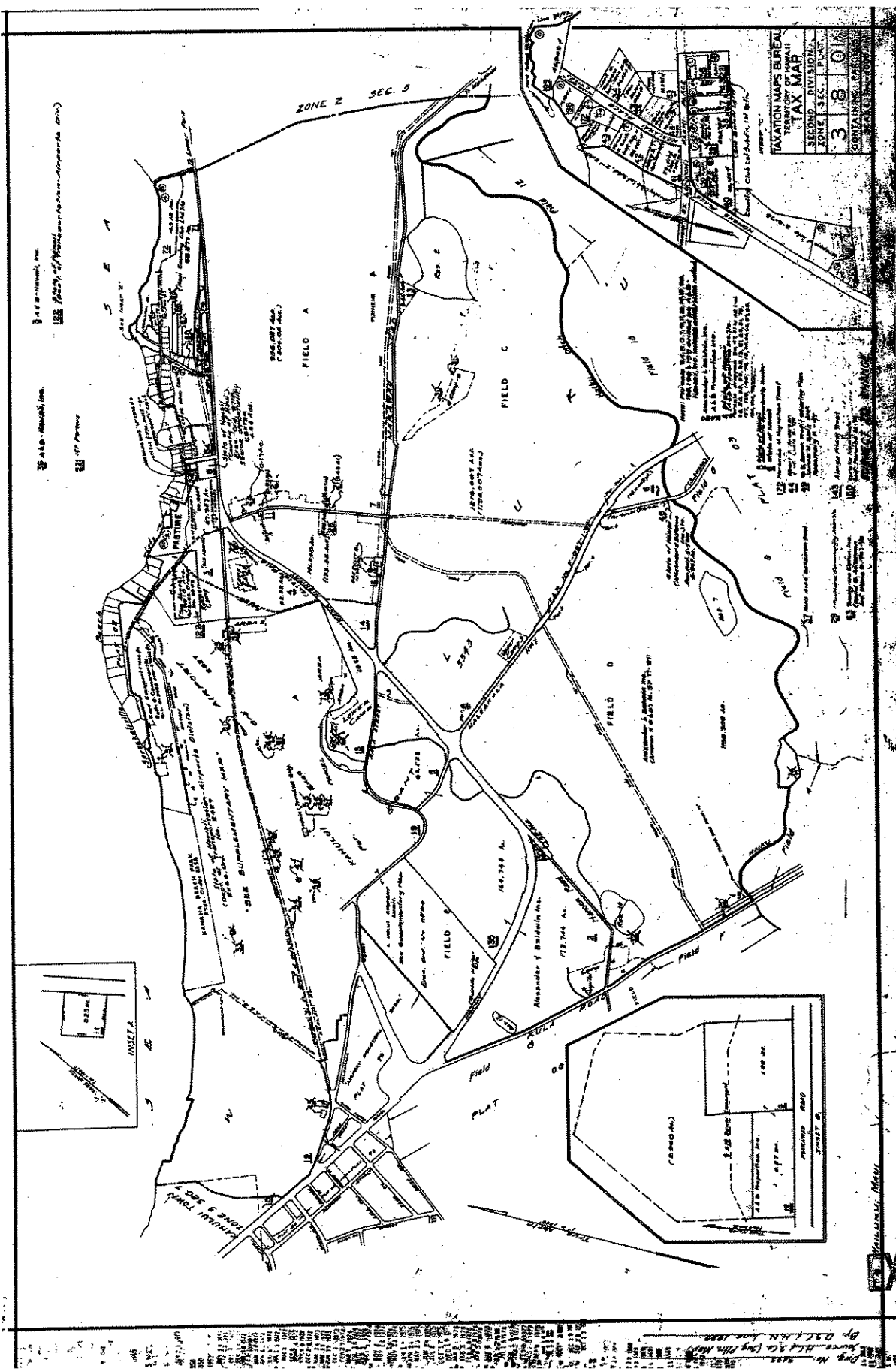
ADVANCE SHEET
SUBJECT TO CHANGE

PRINTED

By: MOUNIER - MELO, HANAKULDA, MAKANNO, MANI.

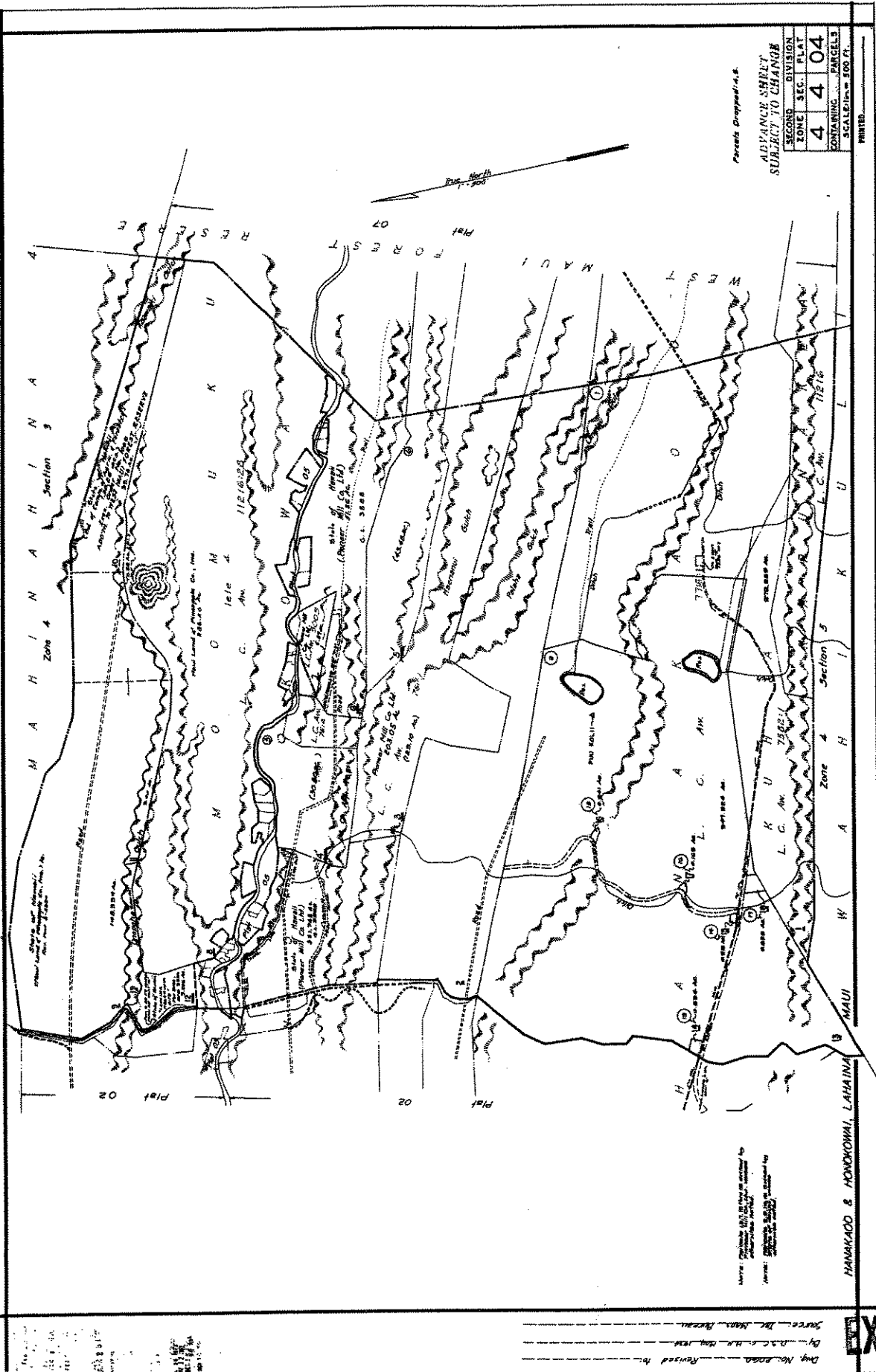
By: MOUNIER - MELO, HANAKULDA, MAKANNO, MANI.

EXHIBIT "A"



TAXATION MAPS BUREAU	
TAX MAP	
SECOND DIVISION	
ZONE 2 SEC. 5	
PLAT	3 8 0
CONTAINING	0

EXHIBIT "A" 77



Parcels Dropped: A, B

ADVANCE SHEET
SUBJECT TO CHANGE

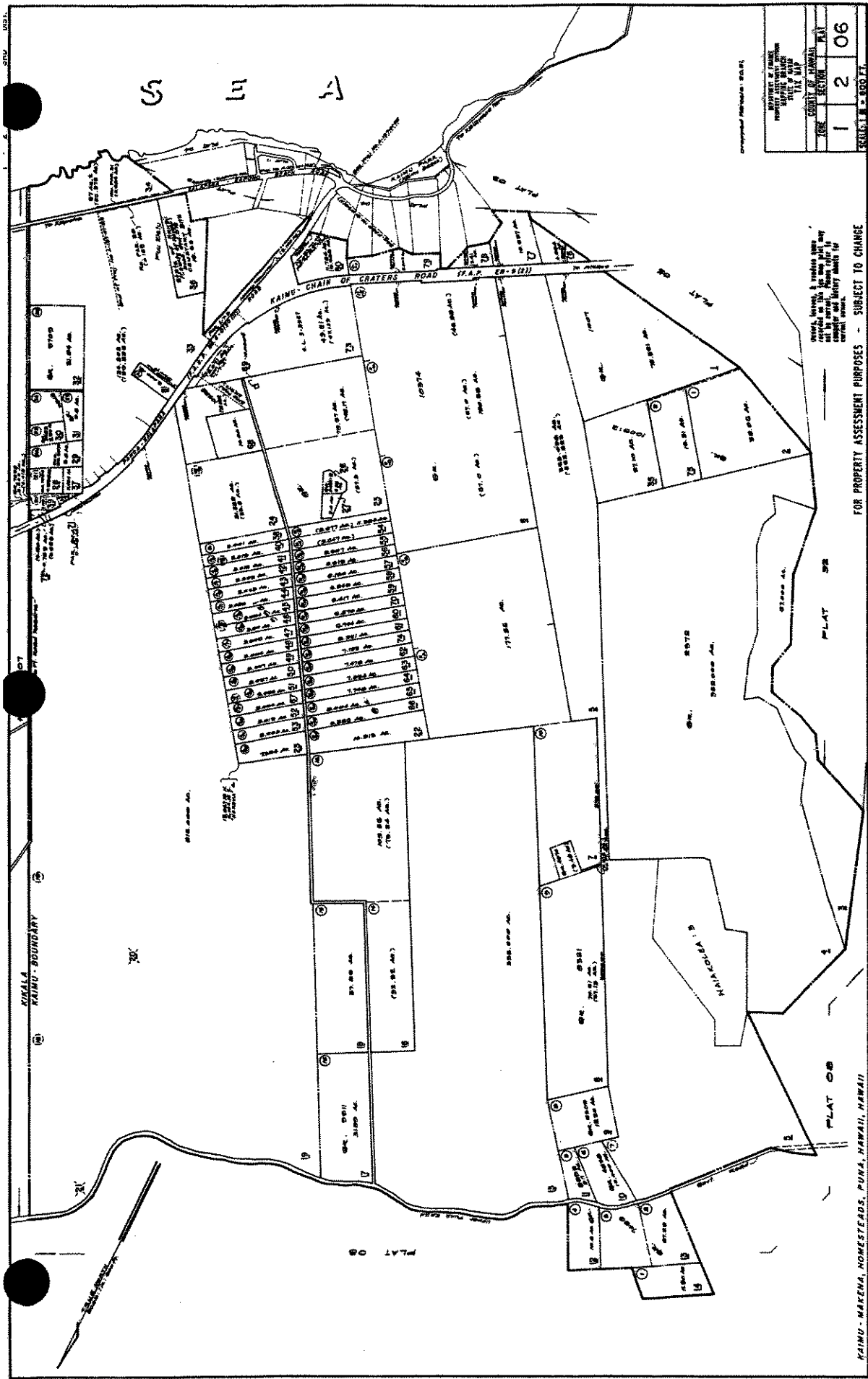
SECTION	DIVISION	ZONE	SEC.	PLAT
4	4	04		

CONTAINING: UNCELS
SCALE: 1" = 500 FT.

PRINTED

HANALEI & HONOOWAI, LAINAIA

EXHIBIT "A"



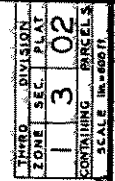
COUNTY OF HAWAII	
TERRITORY OF HAWAII	
TAX MAP	
SECTION	1206
PLAT	08

FOR PROPERTY ASSESSMENT PURPOSES - SUBJECT TO CHANGE

PRINTED:

KAIMU - MAKENA, HOMESTEADS, PUNA, HAWAII, HAWAII

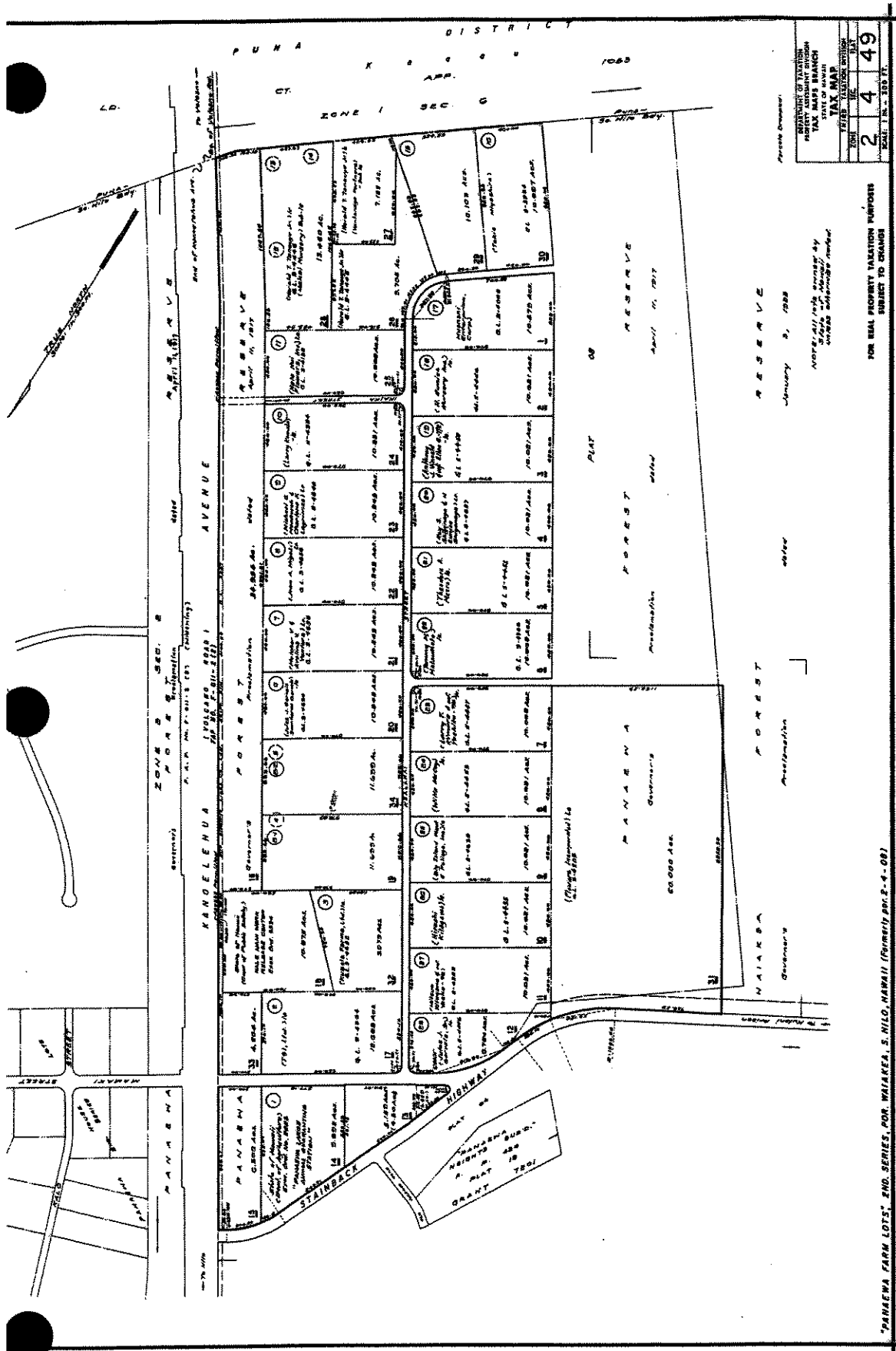
EXHIBIT "A"



PRIMYD.

78





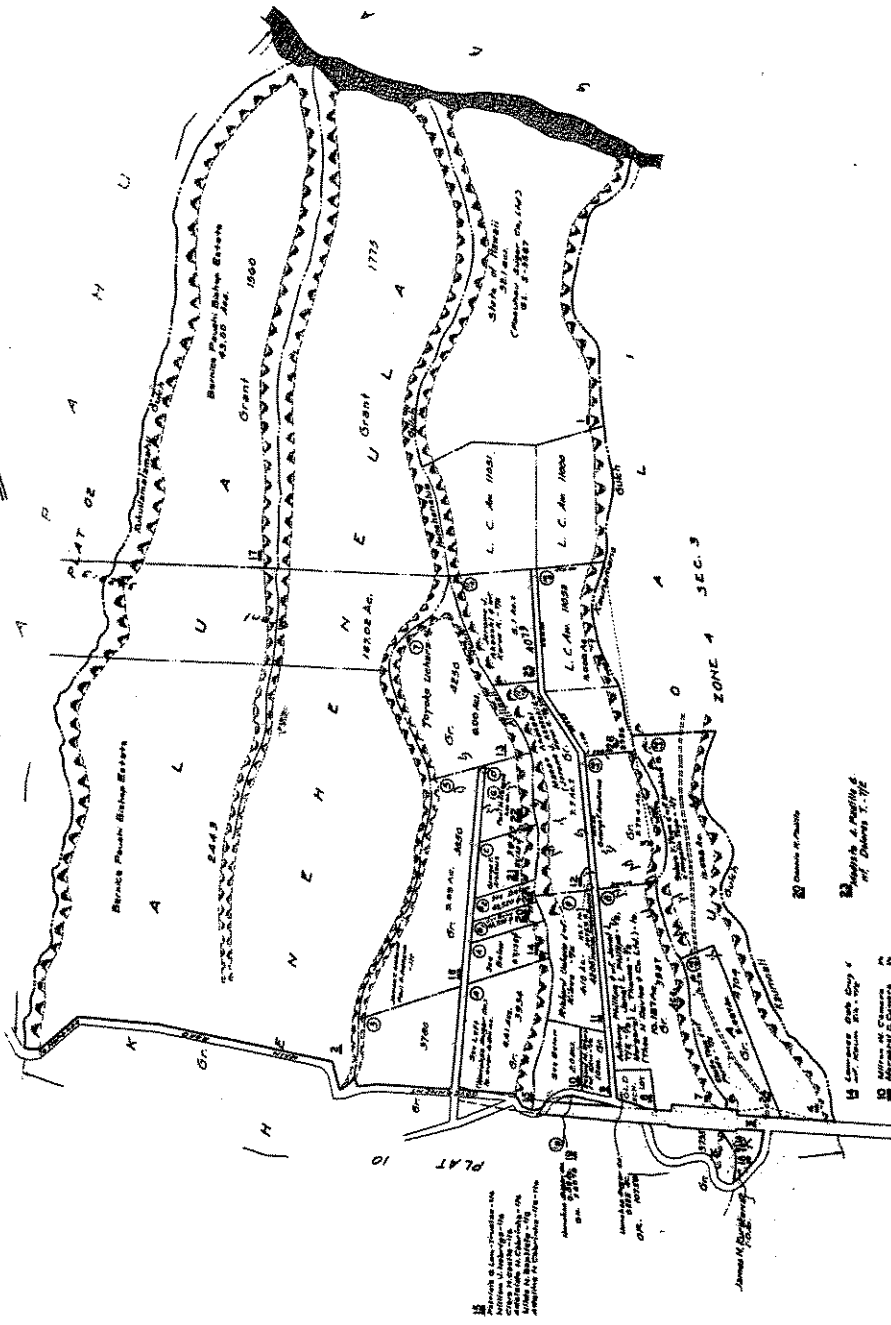
TAX MAP	
2	4
4	9
9	2

FOR REAL PROPERTY TAXATION PURPOSES
SUBJECT TO CHANGE

"PANAHEA FARM LOTS" END. SERIES, FOR WAIKAE, S. HILO, HAWAII (FORMERLY DIST. 2-4-02)

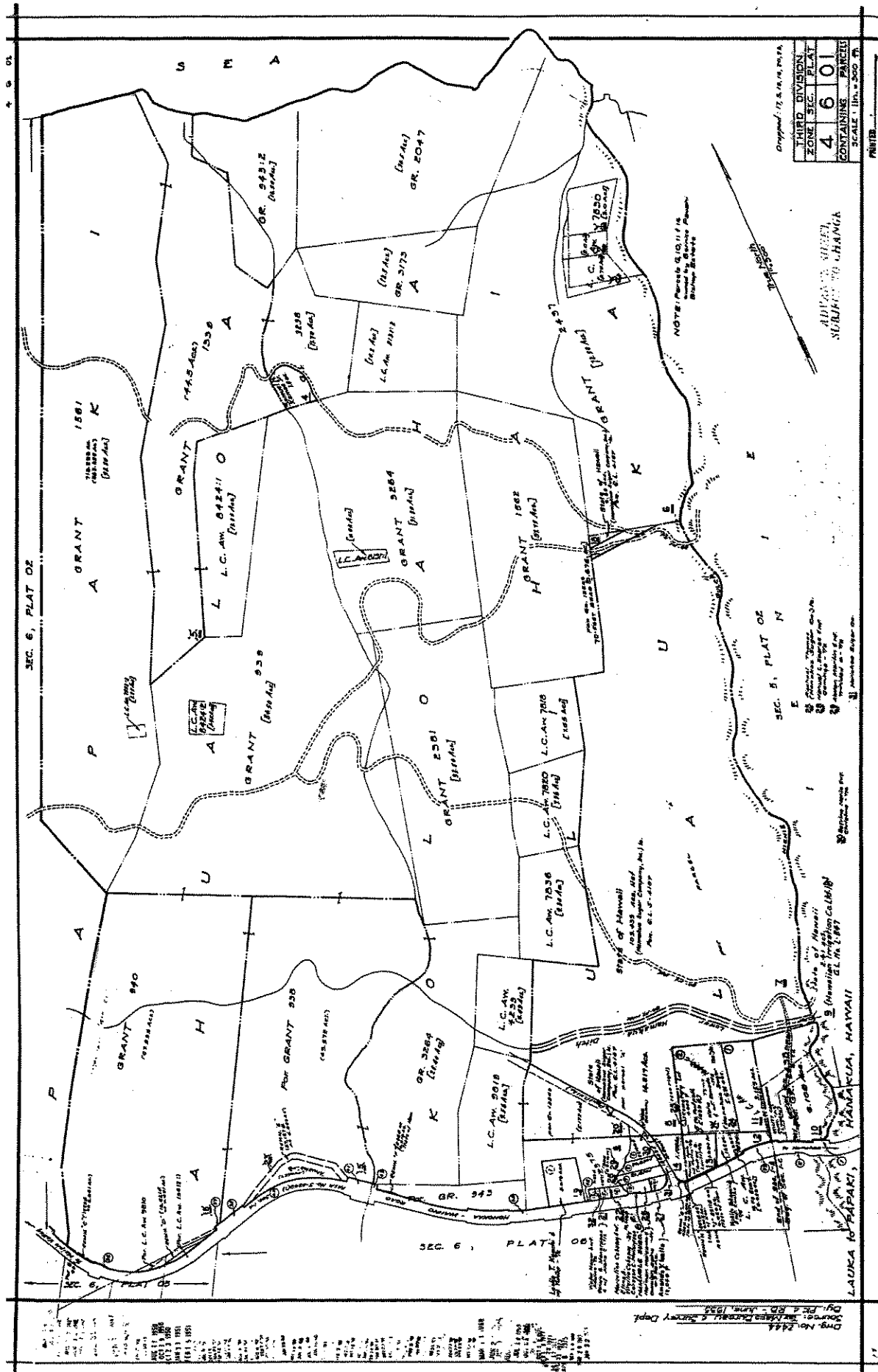
THIRD	DIVISION
4	4
4	01
CONTAINING 11 PARCELS	
SCALE 1 IN. = 300 FT.	

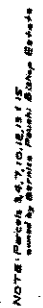
ADVANCE SHEET
SUBJECT TO CHANGE



Honolulu Sugar Co., Ltd.

For of Honolulu Sugar Co., Ltd. & Co., Honolulu, Hawaii.



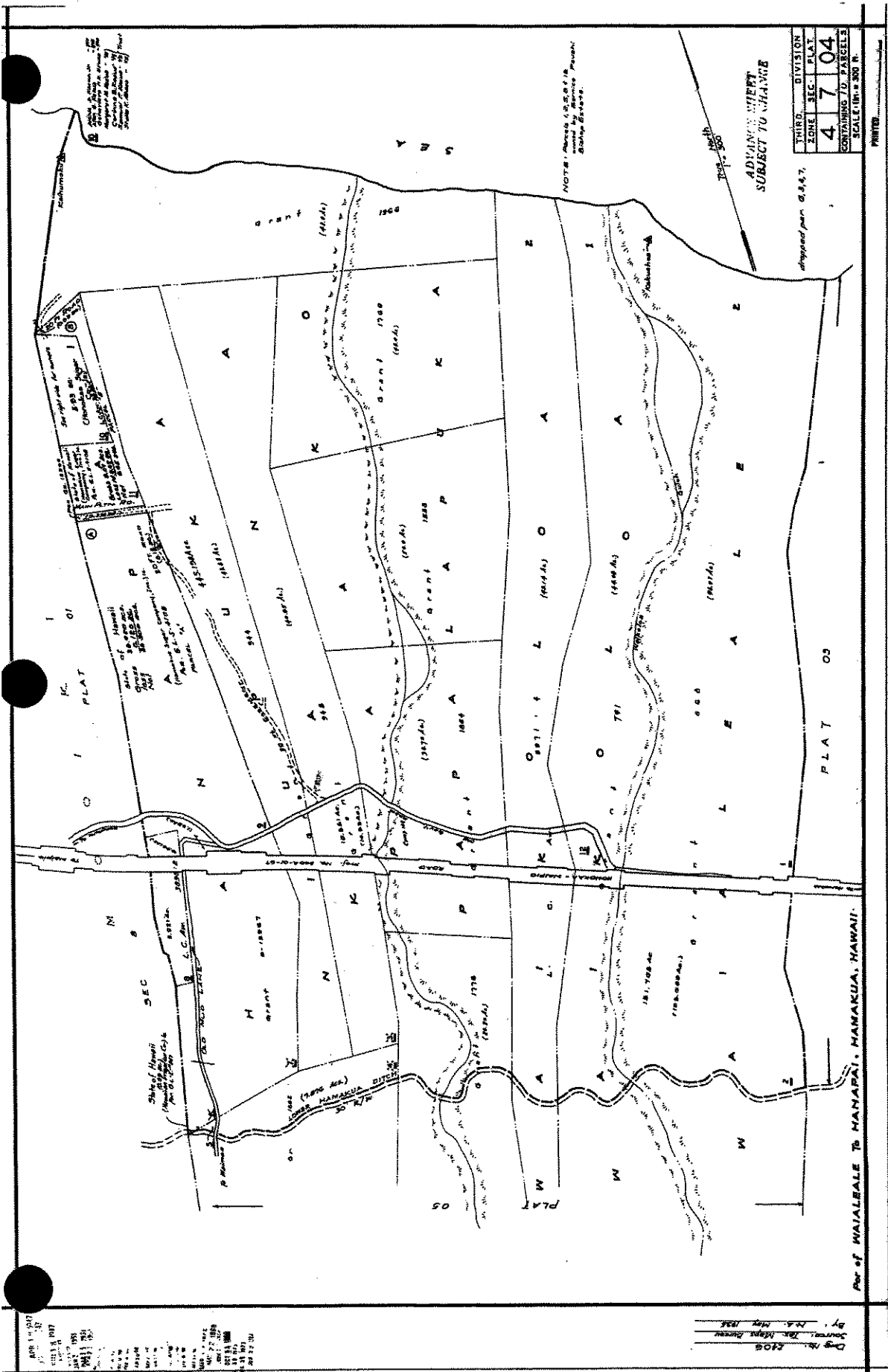


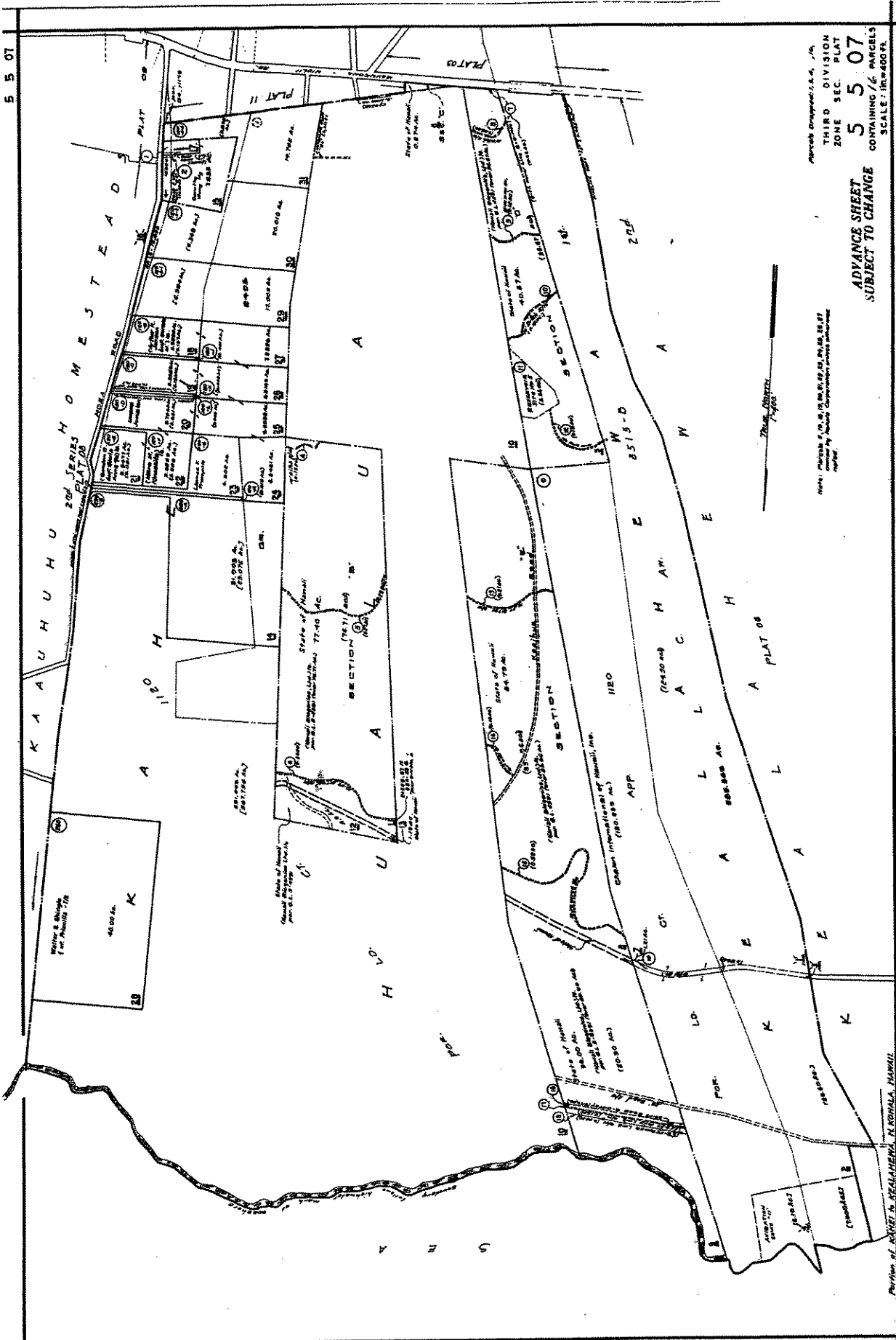
Marshall Development: 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 8

THIRD DIVISION		
ZONE	SEC.	PLAT
4	6	03
CONTAINING 14 PARCELS		
SCALE: 1 in. = 500 ft.		

**ADVANCE SHEET
SUBJECT TO CHANGE**

FOR HONOKAIA, HAMA KUA, HAWAII - (Honolulu Sugar Co.)





Advance Sheet
SUBJECT TO CHANGE

THIRD DIVISION
ZONE SEC. PLAT
5 5 07
CONTAINING 1/6 PARCELS
SCALE: 1"=400 FT.

Maple Creek, S.E. 1/4, 1/4
THIRD DIVISION
ZONE SEC. PLAT
5 5 07
CONTAINING 1/6 PARCELS
SCALE: 1"=400 FT.

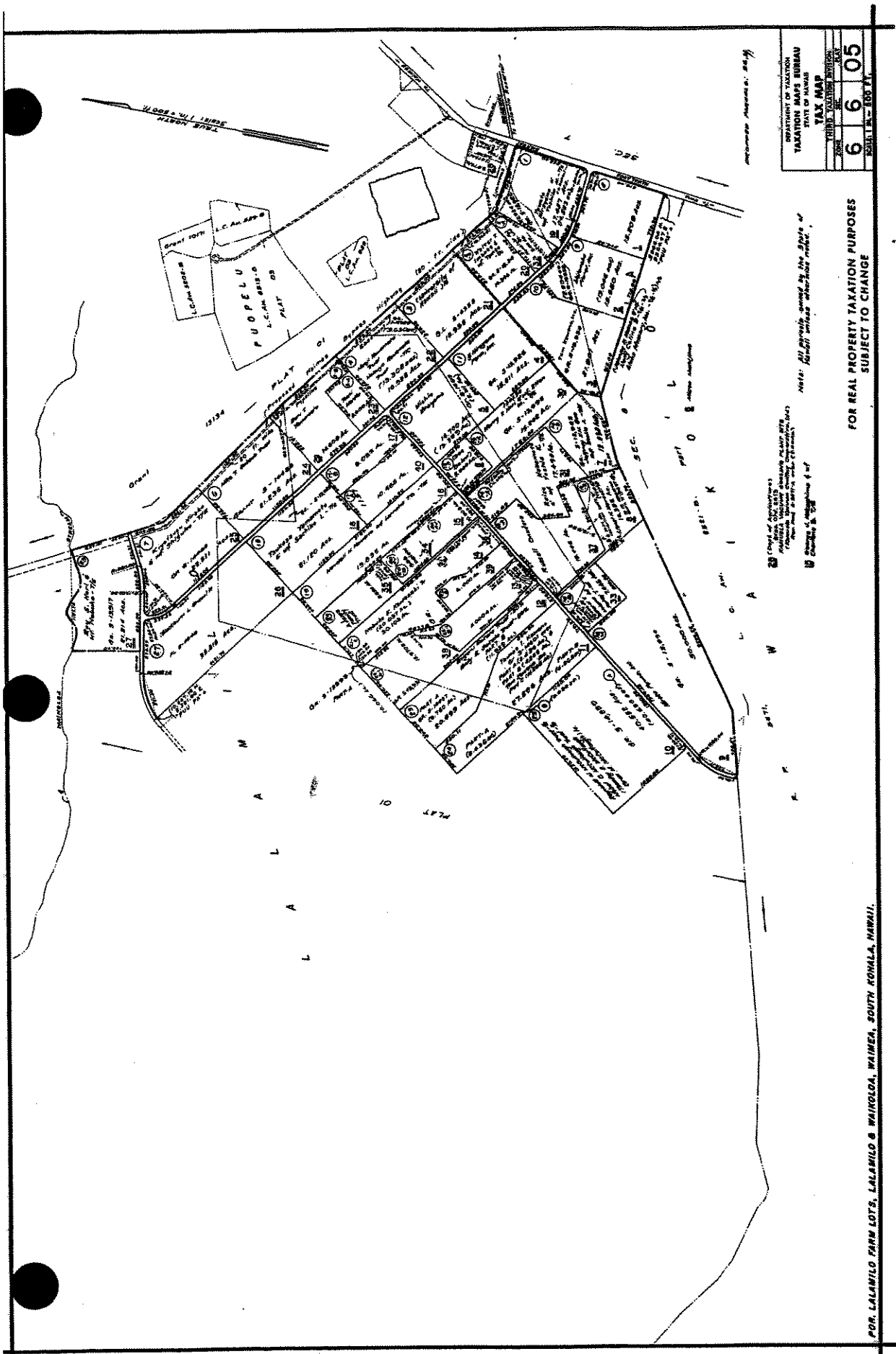
Maple Creek, S.E. 1/4, 1/4
THIRD DIVISION
ZONE SEC. PLAT
5 5 07
CONTAINING 1/6 PARCELS
SCALE: 1"=400 FT.

Maple Creek, S.E. 1/4, 1/4
THIRD DIVISION
ZONE SEC. PLAT
5 5 07
CONTAINING 1/6 PARCELS
SCALE: 1"=400 FT.

Maple Creek, S.E. 1/4, 1/4
THIRD DIVISION
ZONE SEC. PLAT
5 5 07
CONTAINING 1/6 PARCELS
SCALE: 1"=400 FT.

Maple Creek, S.E. 1/4, 1/4
THIRD DIVISION
ZONE SEC. PLAT
5 5 07
CONTAINING 1/6 PARCELS
SCALE: 1"=400 FT.

Maple Creek, S.E. 1/4, 1/4
THIRD DIVISION
ZONE SEC. PLAT
5 5 07
CONTAINING 1/6 PARCELS
SCALE: 1"=400 FT.

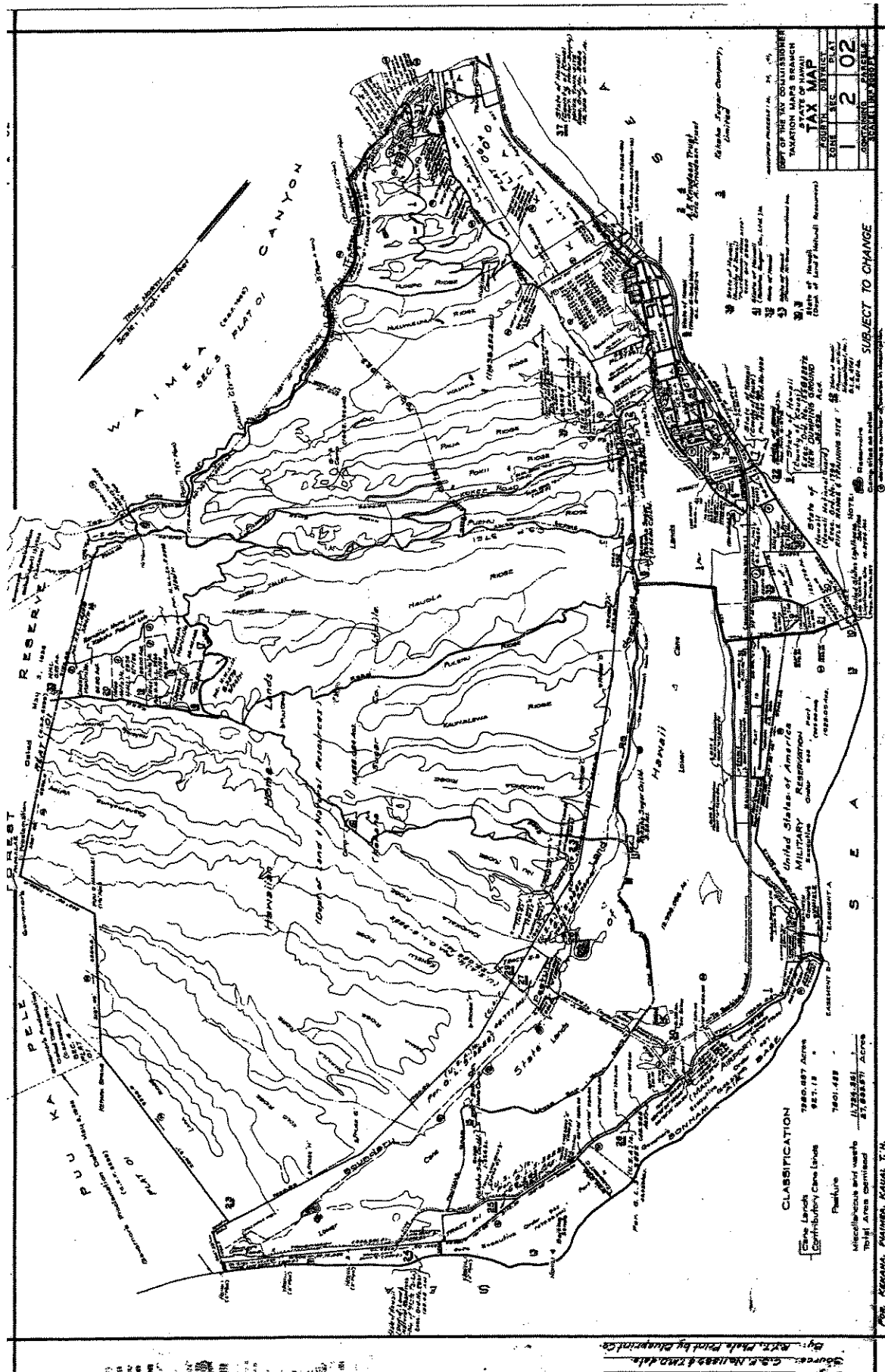


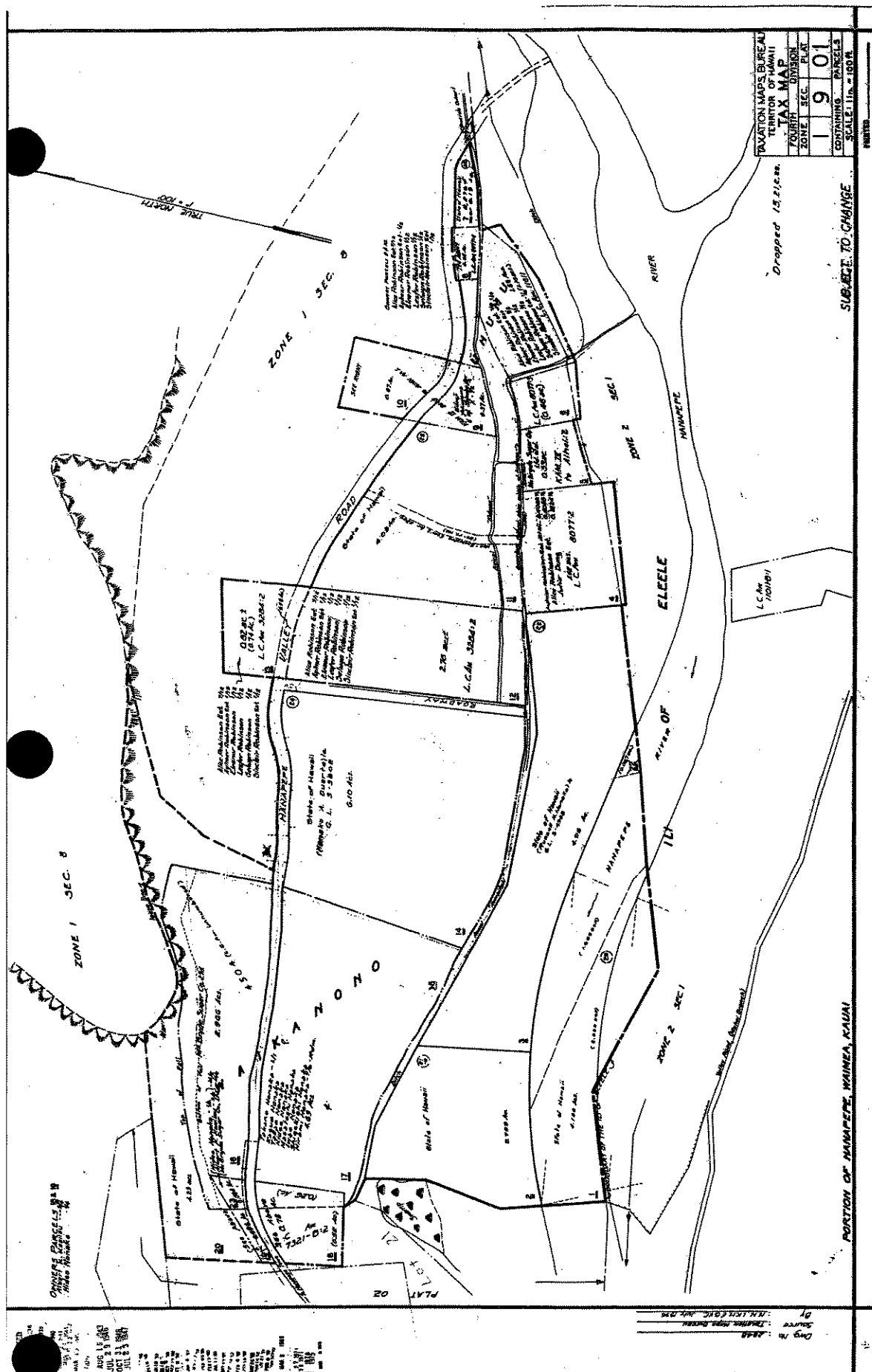
DEPARTMENT OF TAXATION	
TAXATION MAPS BUREAU	
STATE OF HAWAII	
TAX MAP	
6 6 05	
6 6 05	
6 6 05	

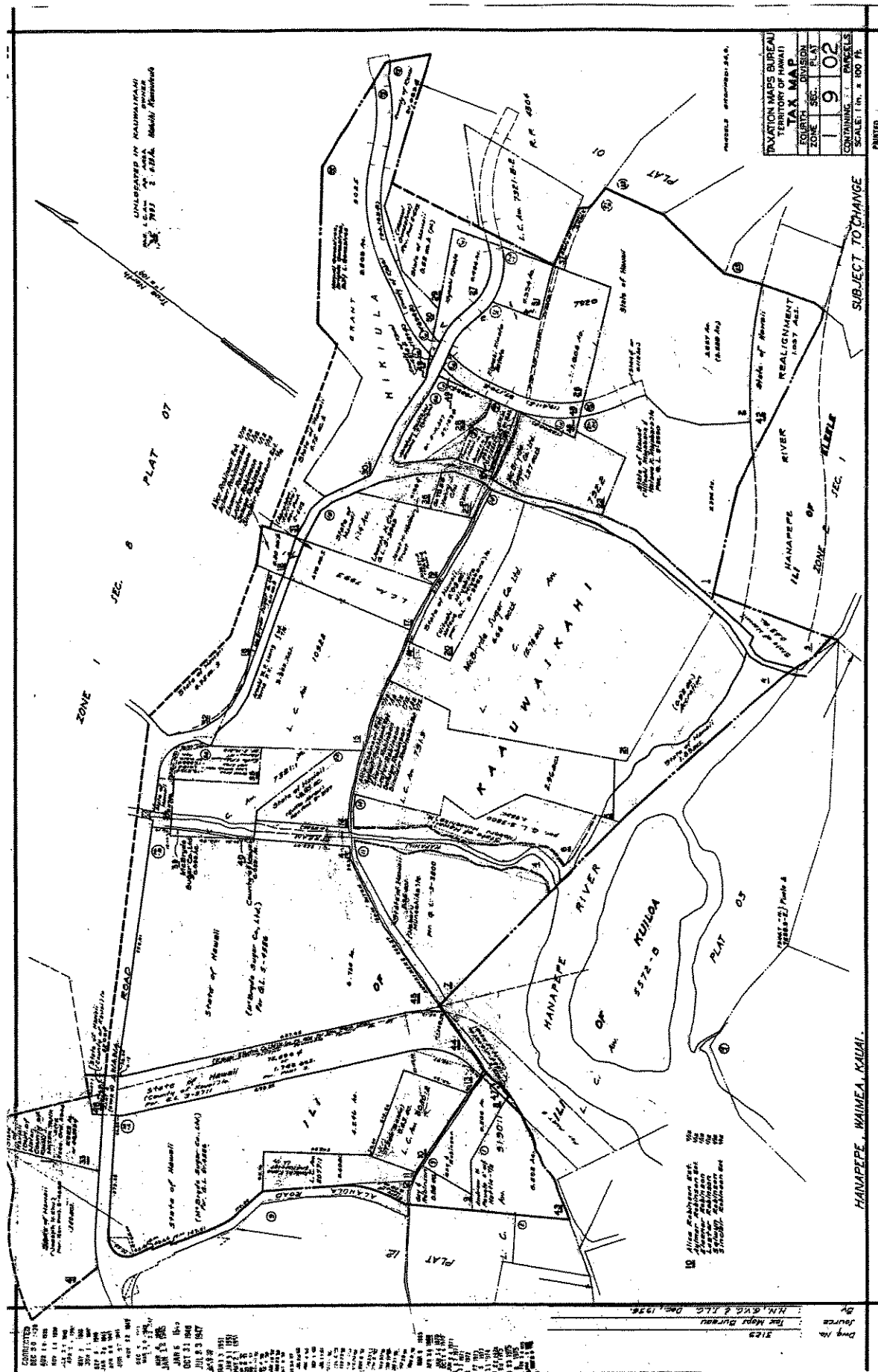
FOR REAL PROPERTY TAXATION PURPOSES
SUBJECT TO CHANGE

NOT: All property owned by the State of Hawaii is subject to taxation. All other property is subject to taxation if it is owned by a person or corporation.

DATE: MAY 8, 1957
SOURCES: H.S. PLOT 400 - S.H. SURVEY DIVISION
BY: L. A. S.



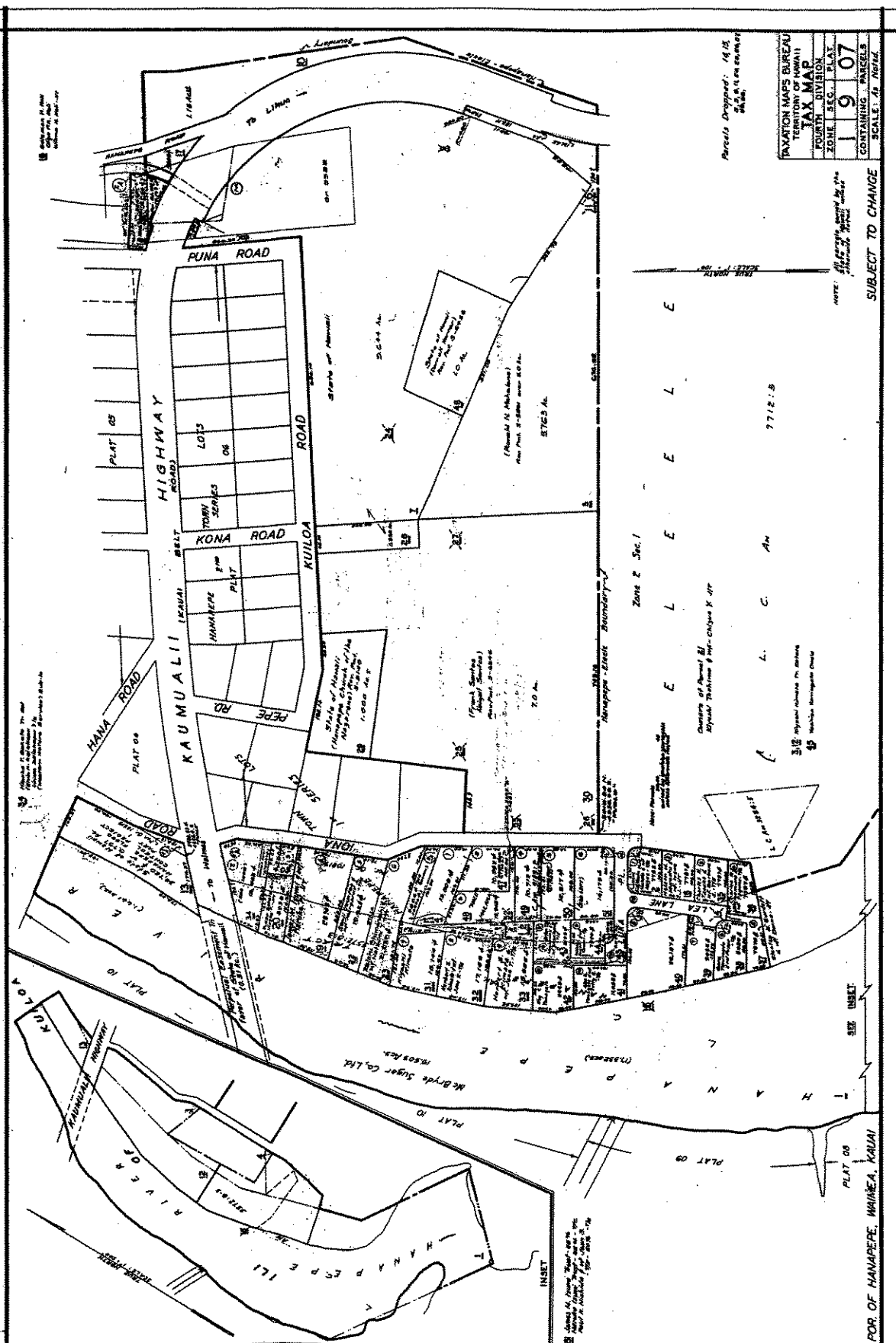






[illegible]

DWG. No.: 3221
Source: Taxation Maps Bureau
BY: L.H. & L.L.G. May 8 1942

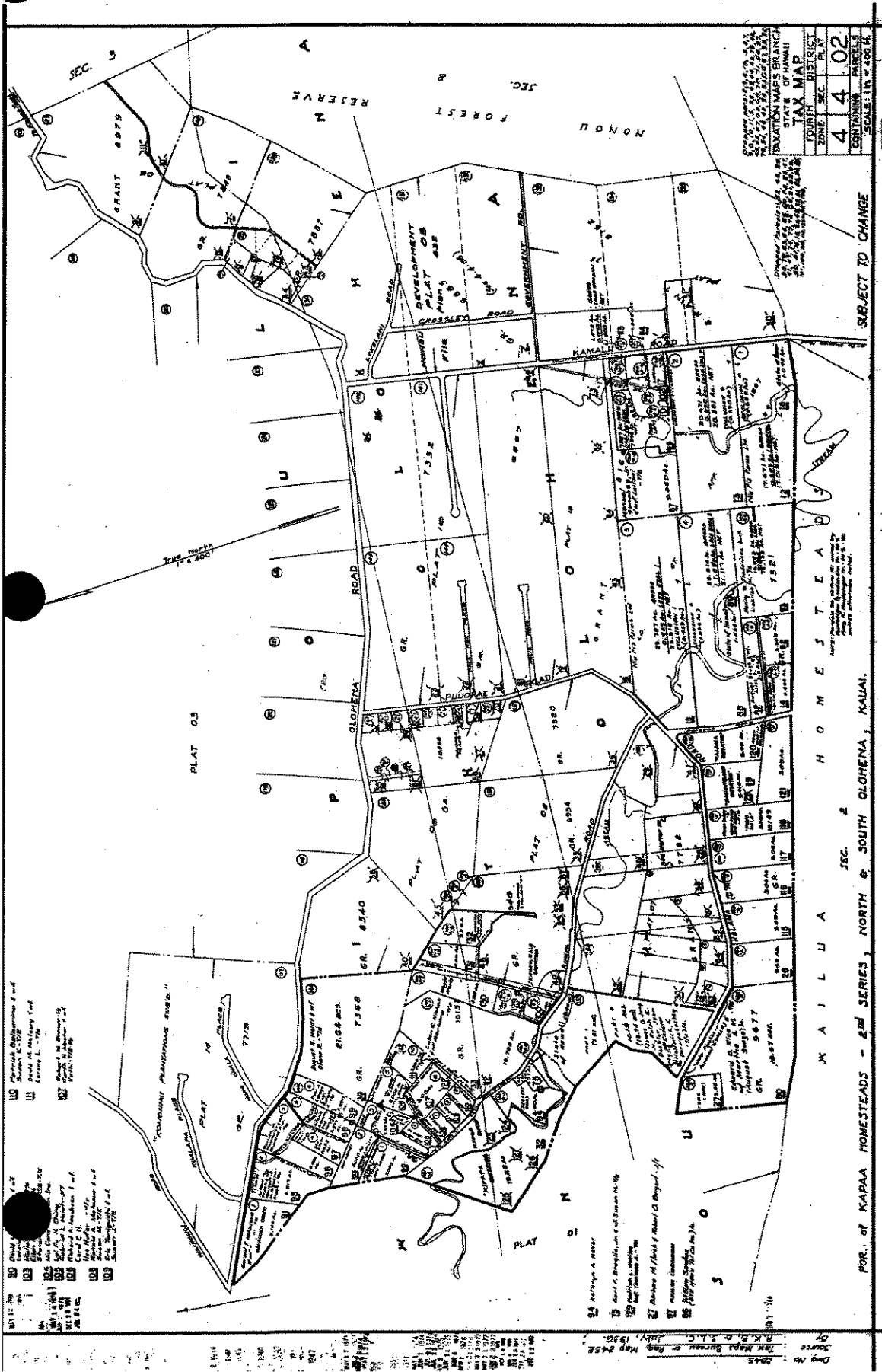


Parcels Dropped: 14.15
25, 26, 14, 54, 23, 24, 27
11, 26;

TAXATION MAPS BUREAU	
TERRITORY OF HAWAII	
TAX MAP	
FOURTH DIVISION	
ZONE SEC.	PLAY
1 9	07
CONTAINING PARCELS	
SCALE: As Noted	

NOTE: All particles covered by the state of Georgia, except those administered by the state.

SUBJECT TO CHANGE



TAX MAP	
COUNTY	4
DISTRICT	4
SECTION	02
CONTAINING PARCELS	
SCALE 1 IN. = 400 FT.	

SUBJECT TO CHANGE

EXHIBIT "A"

EXHIBIT "B"

Doc No.	Lessee Name	TMK	State Land Use	County Zoning	Tax District Name	Lease From	Lease To	Char of Use	Lsed Area (AC)	Annual Rent	Trust Land Status	DHHL Entitle ment
gl4298	WALTER & ANN LIEW	(1) 4-1-010:003-0000	Agricultural	AG1	Koolaupoko (O)	3/12/1970	3/11/2013	Ag & Pasture	15.587	\$13,200	5(b)	
gl4297	RAMIREZ, MIGUEL & VALERIE	(1) 4-1-010:004-0000	Agricultural	AG1	Koolaupoko (O)	3/12/1970	3/11/2030	Ag & Pasture	14.054	\$9,140	5(b)	
gl3794	KAWANANAKOA, ABIGAIL K.	(1) 4-1-010:005-0000	Agricultural	AG1	Koolaupoko (O)	12/2/1963	12/1/2018	Diversified Ag	5.744	\$5,300	5(b)	
gl3793	RITA, ROBERTA A.N.	(1) 4-1-010:006-0000	Agricultural	AG1	Koolaupoko (O)	12/2/1963	12/1/2018	Agriculture	6.49	\$4,180	5(b)	
gl4296	CARLBOM, ERNEST & DONNA	(1) 4-1-010:007-0000	Agricultural	AG1	Koolaupoko (O)	3/12/1970	3/11/2025	Ag & Pasture	11.001	\$7,700	5(b)	
gl3764	SUGITA ENTERPRISES LTD.	(1) 4-1-010:008-0000	Agricultural	Country	Koolaupoko (O)	12/2/1963	12/1/2018	Diversified Ag	3.228	\$3,600	5(b)	
gl5713	HUI KU MAOLI OLA LLP	(1) 4-1-010:026-0000	Agricultural	AG1	Koolaupoko (O)	10/15/2004	10/14/2034	Intensive Ag	11.745	\$6,000	5(b)	
gl5501	NAKI, EDWIN, TRUSTEE	(1) 4-1-010:029-0000	Agricultural	AG1/AG2	Koolaupoko (O)	6/30/1996	6/29/2031	Ag-Residence	1.823	\$2,735	5(b)	
gl5312	CASTILLO, JOHNNY & PAULINE	(1) 4-1-010:030-0000	Agricultural	AG2	Koolaupoko (O)	6/30/1993	6/29/2028	Ag & Pasture	11.092	\$7,600	5(b)	
gl3753	S.G.V.G. CORPORATION	(1) 4-1-010:031-0000	Agricultural	AG2	Koolaupoko (O)	12/2/1963	12/1/2010	Diversified Ag	3.429	\$4,100	5(b)	
gl3756	CAMPBELL, DAVID & MICHELLE	(1) 4-1-010:034-0000	Agricultural	AG2	Koolaupoko (O)	12/2/1963	12/1/2018	Diversified Ag	5.193	\$2,900	5(b)	
gl5657	MIYASHITA, ED K.	(1) 4-1-010:037-0000	Agricultural	AG2	Koolaupoko (O)	11/1/2002	10/31/2032	Intensive Ag	4.63	\$15,000	5(b)	
gl3787	YEE, WARREN Q.K. & ELLEN	(1) 4-1-010:038-0000	Agricultural	AG2	Koolaupoko (O)	12/2/1963	12/1/2017	Diversified Ag	3.536	\$3,250	5(b)	
gl3858	YEE, WARREN Q.K. & ELLEN	(1) 4-1-010:039-0000	Agricultural	AG2	Koolaupoko (O)	8/10/1964	8/9/2019	Intensive Ag	3.662	\$3,370	5(b)	
gl3757	TO BE VACANT UPON EXPIRATION OF LEASE	(1) 4-1-010:040-0000	Agricultural	AG2	Koolaupoko (O)	12/2/1963	12/1/2005	Diversified Ag	3.742	\$4,200	5(b)	
gl3758	YAMADA, KAZUTO	(1) 4-1-010:041-0000	Agricultural	AG2	Koolaupoko (O)	12/2/1963	12/1/2006	Diversified Ag	4.094	\$2,730	5(b)	
gl3759	ULTIMATE INNOVATIONS, INC.	(1) 4-1-010:042-0000	Agricultural	AG2	Koolaupoko (O)	12/2/1963	12/1/2018	Diversified Ag	4.486	\$5,000	5(b)	
gl3760	TANAKA, KANAME and ETHEL	(1) 4-1-010:043-0000	Agricultural	AG2	Koolaupoko (O)	12/2/1963	12/1/2008	Diversified Ag	4.635	\$5,500	5(b)	
gl3761	WINDWARD PLANTS COMPANY	(1) 4-1-010:044-0000	Agricultural	AG2	Koolaupoko (O)	2/2/1964	2/1/2011	Diversified Ag	4.014	\$4,400	5(b)	
gl3762	NAGO, THOMAS	(1) 4-1-010:046-0000	Agricultural	AG2	Koolaupoko (O)	2/2/1964	2/1/2008	Diversified Ag	5.137	\$4,530	5(b)	
gl5707	ALL TREE SERVICES, INC.	(1) 4-1-010:048-0000	Agricultural	AG2	Koolaupoko (O)	9/1/2004	8/31/2034	Intensive Ag	5.256	\$15,000	5(b)	
gl5498	HAILI, RACHEL & KUULEI	(1) 4-1-010:080-0000	Agricultural	AG2	Koolaupoko (O)	6/15/1996	6/14/2031	Ag & Pasture	7.07	\$6,000	5(b)	
gl5496	PROGRESSIVE LANDSCAPING, INC.	(1) 4-1-010:081-0000	Agricultural	AG2	Koolaupoko (O)	6/15/1996	6/14/2031	Ag & Pasture	12.01	\$6,300	5(b)	
gl5530	LARSEN, DAVID	(1) 4-1-010:088-0000	Agricultural	AG2	Koolaupoko (O)	9/1/1997	8/31/2032	Ag & Pasture	1.483	\$750	5(b)	
VACANT	VACANT	(1) 4-1-010:092-0000	Agricultural	AG1	Koolaupoko (O)			VACANT	3	\$0	5(b)	
gl5214	GREEN THUMB, INC.	(1) 4-1-018:040-0000	Agricultural	AG2	Koolaupoko (O)	10/29/1991	10/28/2016	Ag & Pasture	7.021	\$6,100	5(b)	
gl5328	GREEN THUMB, INC.	(1) 4-1-018:047-0000	Agricultural	Country	Koolaupoko (O)	11/1/1993	10/31/2028	Ag & Pasture	3.087	\$3,900	5(b)	
gl5643	VAHEY, PATRICK	(1) 4-1-018:051-0000	Agricultural	Country	Koolaupoko (O)	10/1/2002	9/30/2037	Aquaculture	2.2	\$3,300	5(b)	

EXHIBIT "B"

Doc No.	Lessee Name	TMK	State Land Use	County Zoning	Tax District Name	Lease From	Lease To	Char of Use	Lsed Area (AC)	Annual Rent	Trust Land Status	DHHL Entitle ment
gl3856	ALATINI, HEMALOTO & LEONA	(1) 4-1-024:023-0000	Agricultural	AG1	Koolaupoko (O)	8/10/1964	8/9/2019	Diversified Ag	9.474	\$9,200	5(b)	
gl4009	CHAR HUNG SUT FISH FARMS, INC.	(1) 4-1-024:054-0000	Agricultural	AG2	Koolaupoko (O)	9/12/1966	9/11/2011	Ag & Pasture	9.454	\$4,900	5(b)	
gl3860	HAWAIIAN SUNSHINE NURSERY	(1) 4-1-024:62,63	Agricultural	AG1	Koolaupoko (O)	8/13/1964	8/12/2019	Diversified Ag	9.862	\$6,000	5(b)	
VACANT	VACANT	(1) 4-1-024:068-0000	Agricultural	AG2	Koolaupoko (O)			VACANT	4.176	\$0	5(b)	
gl3859	OKABE, FAITH KIYOKO	(1) 4-1-025:22,23	Agricultural	AG2	Koolaupoko (O)	8/10/1964	8/9/2011	Diversified Ag	8.923	\$7,100	5(b)	
gl5354	FUJIEKI, BYRON	(1) 4-1-025:057-0000	Agricultural	AG2	Koolaupoko (O)	1/1/1994	12/31/2029	Ag & Pasture	0.8	\$1,752	5(b)	
gl4133	RYAN, JR., JOSEPH & TAMARA	(1) 4-1-026:015-0000	Agricultural	AG2	Koolaupoko (O)	10/26/1967	10/25/2020	Agriculture	8.45	\$4,140	5(b)	
gl3782	SANANIKONE, PUONGPUN	(1) 4-1-026:017-0000	Agricultural	AG2	Koolaupoko (O)	12/2/1963	12/1/2018	Diversified Ag	7.136	\$4,100	5(b)	
gl3854	MALONEY, PATRICK & NANCY	(1) 4-1-026:018-0000	Agricultural	AG2	Koolaupoko (O)	8/10/1964	8/9/2009	Diversified Ag	5.492	\$3,530	5(b)	
gl3780	CAVASSO, CAMPBELL	(1) 4-1-026:019-0000	Agricultural	AG2	Koolaupoko (O)	12/2/1963	12/1/2018	Diversified Ag	6.705	\$5,800	5(b)	
gl5515	STRAUSER, CORINNE CHURCH	(1) 4-1-027:001-0000	Agricultural	AG2	Koolaupoko (O)	2/1/1997	1/31/2032	Diversified Ag	1.1	\$5,500	5(b)	
VACANT	VACANT	(1) 4-1-027:002-0000	Agricultural	AG2	Koolaupoko (O)			VACANT	1.002	\$0	5(b)	
gl4011	MATSUMOTO, TRUSTEE, MATSUKO	(1) 4-1-027:004-0000	Agricultural	AG2	Koolaupoko (O)	9/12/1966	9/11/2021	Agriculture	1.032	\$1,145	5(b)	
gl5313	TAVARES, JR. JOSEPH	(1) 4-1-027:005-0000	Agricultural	AG2	Koolaupoko (O)	6/30/1993	6/29/2028	Ag & Pasture	1.146	\$2,800	5(b)	
gl3779	SHARON'S PLANTS LTD.	(1) 4-1-027:006-0000	Agricultural	AG1	Koolaupoko (O)	12/5/1963	12/1/2006	Diversified Ag	6.032	\$5,400	5(b)	
gl3778	SHARON'S PLANTS LTD.	(1) 4-1-027:007-0000	Agricultural	AG1	Koolaupoko (O)	12/2/1963	12/1/2006	Diversified Ag	5.686	\$5,100	5(b)	
gl3777	SHARON'S PLANTS LTD.	(1) 4-1-027:008-0000	Agricultural	AG1	Koolaupoko (O)	12/2/1963	12/1/2011	Diversified Ag	7.883	\$6,000	5(b)	
gl5577	STATE OF CALIFORNIA	(1) 4-1-027:009-0000	Agricultural	AG1	Koolaupoko (O)	12/2/2004	12/1/2059	Agriculture	8.86	\$13,000	5(b)	
gl3774	41-672 CORP.	(1) 4-1-027:010-0000	Agricultural	AG1	Koolaupoko (O)	12/2/1963	12/1/2018	Diversified Ag	8.541	\$3,988	5(b)	
gl5658	AKAMAI LANDSCAPE & MAINTENANCE SVC INC.	(1) 4-1-027:011-0000	Agricultural	AG1	Koolaupoko (O)	12/1/2002	11/30/2032	Intensive Ag	9.565	\$6,887	5(b)	
gl3776	CHAILLE, CLAUDIA M.	(1) 4-1-027:012-0000	Agricultural	AG1	Koolaupoko (O)	12/2/1963	12/1/2007	Diversified Ag	8.634	\$1,900	5(b)	
gl4008	CHONG TRUST, WALTER & EVELYN	(1) 4-1-027:014-0000	Agricultural	AG1	Koolaupoko (O)	9/12/1966	9/11/2011	Ag & Pasture	20.395	\$3,500	5(b)	
VACANT	PENDING ISSUANCE OF NEW LEASE	(1) 4-1-027:016-0000	Agricultural	AG1	Koolaupoko (O)			Ag & Pasture	19.961	\$0	5(b)	
gl5168	AKAMAI LANDSCAPING &	(1) 4-1-027:018-0000	Agricultural	AG1	Koolaupoko (O)	4/14/1988	4/13/2033	Diversified Ag	6.521	\$5,250	5(b)	
gl3771	PACIFIC FOLIAGE INC.	(1) 4-1-027:019-0000	Agricultural	AG1	Koolaupoko (O)	12/2/1963	12/1/2018	Diversified Ag	10.005	\$8,000	5(b)	
VACANT	VACANT	(1) 4-1-027:020-0000	Agricultural	AG1	Koolaupoko (O)				19.481	\$0	5(b)	
gl4007	ALOFA CORP.	(1) 4-1-027:23,24	Agricultural	AG1	Koolaupoko (O)	9/12/1966	9/11/2021	Ag & Pasture	34.538	\$26,300	5(b)	
gl3770	IKENE, HIROSHI & SALLIE	(1) 4-1-027:025-0000	Agricultural	AG1	Koolaupoko (O)	12/2/1963	12/1/2011	Diversified Ag	5.794	\$5,800	5(b)	
gl3769	CHANG, MUN ON & ROSALIND	(1) 4-1-027:026-0000	Agricultural	AG1	Koolaupoko (O)	12/2/1963	12/1/2010	Diversified Ag	5.515	\$5,000	5(b)	
gl3768	KAWABATA, STANLEY S.	(1) 4-1-027:027-0000	Agricultural	AG1	Koolaupoko (O)	12/2/1963	12/1/2028	Diversified Ag	6.836	\$4,800	5(b)	
gl3767	YAMADA, KAZUTO & AYAKO	(1) 4-1-027:028-0000	Agricultural	AG1	Koolaupoko (O)	12/2/1963	12/1/2006	Diversified Ag	7.195	\$8,100	5(b)	
gl3766	FUKUI, RODNEY H. & IRIS T.	(1) 4-1-027:029-0000	Agricultural	AG1	Koolaupoko (O)	12/2/1963	12/1/2018	Diversified Ag	7.001	\$5,900	5(b)	

EXHIBIT "B"

Doc No.	Lessee Name	TMK	State Land Use	County Zoning	Tax District Name	Lease From	Lease To	Char of Use	Lsed Area (AC)	Annual Rent	Trust Land Status	DHHL Entitle ment
gl5516	SEKIYA, FRANK F.	(1) 4-1-027:030-0000	Agricultural	AG1	Koolaupoko (O)	3/1/1998	2/28/2033	Diversified Ag	7.787	\$5,400	5(b)	
gl5368	ALOHA FIRST	(1) 4-1-10:80,96,97,98,99	Agricultural	AG2	Koolaupoko (O)	4/1/2001	3/31/2056	Agriculture	45.066	\$3,000	5(b)	
gl5180	PACIFIC DAIRY	(1) 8-5-001:033-0000	Agricultural/Cons.	AG2/P1	Waianae (O)	3/24/1988	3/23/2013	Dairy	114.8	\$1,000	5(b)	
gl4877	SUGITA, TOSHIO & K. IBARA	(1) 8-5-005:009-0000	Agricultural	AG2	Waianae (O)	7/18/1983	7/17/2018	Ag & Pasture	36.048	\$9,700	5(b)	
gl4612	DEL MONTE FRESH PRODUCE (HAWAII) INC.	(1) 9-4-12:1,2,3	Agricultural	AG1	Ewa (O)	1/1/1980	12/31/2008	Agriculture	578.265	\$130,000	5(b)	

TOTALS: 1,223.61 \$475,776

List of Encumbrances as of 11/25/05
ISLAND OF MAUI
DRAFT

EXHIBIT "B"

Doc No.	Lessee Name	TMK	State Land Use	County Zoning	Tax District Name	Lease From	Lease To	Char of Use	Lsed Area (AC)	Annual Rent	Trust Land Status	DHHL Entitle ment
rp5932	KANOA, JR., ISAAC	(2) 1-1-003:028-0000	Agricultural/Cons.		Hana (M)	7/1/1982		Agriculture	0.458	\$156	5(b)	
gl4210	KIMOKEO, LINCOLN ALIILOA	(2) 1-1-003:059-0000	Agricultural	Agriculture	Hana (M)	10/3/1968	10/2/2023	Ag-Residence	0.97	\$1,400	5(b)	
gl4209	DANLEY, DEANNA	(2) 1-1-003:070-0000	Agricultural/Cons.		Hana (M)	10/3/1968	10/2/2023	Ag-Residence	1.1	\$3,500	5(b)	
VACANT	VACANT	(2) 1-1-003:092-0000	Agricultural		Hana (M)				0.67		5(b)	
rp7327	KANOA, ISAAC A. & GLADYS R.	(2) 1-1-3:33,43,44	Agricultural		Hana (M)	9/1/2002		Agriculture	1.497	\$240	5(b)	
rp6229	KAAUAMO, JR., SOLOMON & HANNAH	(2) 1-1-4:13,30	Agricultural		Hana (M)	7/20/1985		Intensive Ag	2.99	\$480	5(b)	
rp6721	YOUNG, JOSEPH H.	(2) 1-1-5:17,25,34,41,45,54; 1-1-6:70	Agricultural		Hana (M)	7/1/1990		Agriculture	10.29	\$1,656	5(b)	
rp5231	YOUNG, JOSEPH	(2) 1-1-005:036-0000	Agricultural		Hana (M)	6/28/1976		Agriculture	1.8	\$288	5(b)	
rp6821	DAY, JOSEPH J.	(2) 1-1-006:038-0000	Agricultural		Hana (M)	7/22/1992		Agriculture	0.85	\$156	5(b)	
rp7305	MARTIN, JR., NORMAN D.	(2) 1-1-6:41,43	Agricultural		Hana (M)	7/1/2003		Agriculture	0.56	\$168	5(b)	
gl4016	MAHEALANI FARMS, INC.	(2) 1-3-4:6,20	Agricultural/Cons.		Hana (M)	10/17/1966	4/16/2007	Intensive Ag	421.17	\$1,800	5(b)	
gl3857	EADE, COILA	(2) 1-4-003:001-0000	Agricultural/Cons.		Hana (M)	8/17/1964	8/16/2019	Ag-Residence	5.2	\$4,100	5(b)	
gl5310	FRELINGHUYSEN, PETER H.B.	(2) 1-6-007:010-0000	Agricultural/Cons.		Hana (M)	6/30/1993	6/29/2028	Ag & Pasture	2.057	\$4,000	5(b)	
rp6602	BOWMAN, MISHA	(2) 1-6-009:017-0000	Agricultural		Hana (M)	5/1/1988		Agriculture	1.253	\$276	5(b)	
rp6750	HERTZ, M.D. & MRS. HERTZ, RALPH	(2) 2-1-005:122-0000	Agricultural		Makawao	3/1/1991		Agriculture	6	\$2,772	5(b)	
rp6649	FLECK, JR., PHILIP & GLORIA	(2) 2-2-017:017-0000	Agricultural		Makawao	7/1/1989		Agriculture	1.04	\$732	5(b)	
gl5614	OTANI, BRYAN	(2) 2-3-003:006-0000	Agricultural	Agricutlure		6/1/2001	5/31/2036	Intensive Ag	13.14	\$4,500	5(b)	
gl4272	MILNER, MICHAEL P.	(2) 2-7-008:015-0000	Agricultural	Agricutlure	Makawao	11/24/1969	11/23/2024	Ag-Residence	1.84	\$9,000	5(b)	
gl4519	DAVID KAPRALIK	(2) 2-7-015:026-0000	Agricultural	Agricutlure	Makawao (M)	7/8/1976	7/7/2031	Ag-Residence	1.905	\$5,100	5(b)	
rp6180	BROWNE, SUSAN & ROAN	(2) 2-9-001:020-0000	Agricultural/Cons.		Makawao	4/1/1985		Agriculture	9.63	\$204	5(b)	
rp6690	PALOMINO, ANNA MARIE & D. BOWKER	(2) 2-9-001:033-0000	Agricultural		Makawao	1/1/1990		Agriculture	1.7	\$336	5(b)	
rp7268	DORRIS, STEPHEN	(2) 2-9-003:008-0000	Agricultural			8/1/2000		Agriculture	9.82	\$1,356	5(b)	
rp6766	LOOMIS JAMES C.	(2) 2-9-003:040-0000	Agricultural		Makawao	6/1/1991		Agriculture	14.76	\$888	5(b)	
gl5587	ELLIS, INC.	(2) 2-9-5:20,32	Agricultural		Makawao (M)	7/24/1999	7/23/2034	Ag & Pasture	28.42	\$156	5(b)	

EXHIBIT "B"

Doc No.	Lessee Name	TMK	State Land Use	County Zoning	Tax District Name	Lease From	Lease To	Char of Use	Lsed Area (AC)	Annual Rent	Trust Land Status	DHHL Entitle ment
gl5588	HUI O MOKUPAPA	(2) 2-9-6:21,22,23,24	Agricultural		Makawao (M)	7/24/1999	7/23/2034	Ag & Pasture	53.295	\$5,250	5(b)	
rp5402	HOOPII, RICHARD	(2) 3-1-004:116-0000	Agricultural		Wailuku (M)	6/1/1977		Agriculture	0.179	\$156	5(b)	
rp5214	A & B - HAWAII, INC.	(2) 3-8-004:046-0000	Agricultural		Wailuku (M)	10/15/1975		Agriculture	6.107	\$480	5(b)	
rp5485	A & B - HAWAII, INC.	(2) 3-8-003:022-0000	Agricultural		Wailuku (M)	7/1/1977		Agriculture	1.168	\$156	5(b)	
rp7382	MAUI PINEAPPLE COMPANY, LTD.	(2) 4-4-4:9,11,19	Agricultural		Lahaina (M)	5/1/2004		Agriculture	153.394	\$14,352	5(b)	
VACANT	VACANT	(2) 4-5-21:22, 23	Agricultural/Urban		Lahaina (M)				326		5(b)	Yes

TOTALS: 1,079.26 \$63,658

List of Encumbrances as of 11/25/05
ISLAND OF MOLOKAI
DRAFT

EXHIBIT “B”

Doc No.	Lessee Name	TMK	State Land Use	County Zoning	Tax District Name	Lease From	Lease To	Char of Use	Lsed Area (AC)	Annual Rent	Trust Land Status	DHHL Entitle ment
gl4340	AKEA FARMS, INC.	(2) 5-2-001:009-0000	Agricultural	Agriculture	Molokai (M)	7/22/1971	7/21/2006	Agriculture	205	\$18,000	5(b)	
gl4372	USA DEPT AG SOIL CONSV SERV	(2) 5-2-001:007-0000	Agricultural	Agriculture	Molokai (M)	1/1/1973	12/31/2023	Government	81.181	\$0	5(b)	

EXHIBIT "B"

Doc No.	Lessee Name	TMK	State Land Use	County Zoning	Tax District Name	Lease From	Lease To	Char of Use	Lsed Area (AC)	Annual Rent	Trust Land Status	DHHL Entitle ment
gl5567	SALFEN, SCOTT	(3) 1-2-006:073-0000	Agricultural	Agriculture-various	Puna (H)	12/9/1998	12/8/2028	Intensive Ag	49.21	\$1,900	5(b)	
rp7024	TROPICAL HAWAIIAN PRODUCTS	(3) 1-2-6:15,16	Agricultural	Agriculture-various	Puna (H)	5/10/1996		Diversified Ag	440	\$16,872	5(b)	
rp7370	DIAMOND HEAD PAPAYA CO. LTD.	(3) 1-3-2:12,99	Agricultural	Agriculture-various	Puna (H)	10/1/2003		Agriculture	125.2	\$8,508	5(b)	
gl5510	SEASIDE, INC., THE	(3) 2-1-016:001-0000	Agricultural/Cons.	Agriculture-various	South Hilo (H)	11/1/1997	10/31/2032	Aquaculture	50.887	\$2,000	5(b)	
gl4459	BALBERDE, PAUL	(3) 2-2-056:018-0000	Agricultural	Agriculture-various	South Hilo (H)	9/4/1975	9/3/2030	Ag-Residence	2.615	\$3,550	5(b)	
gl5538	MOUNTAIN MEADOWS, INC.	(3) 2-2-056:020-0000	Agricultural	Agriculture-various	South Hilo (H)	7/2/1997	7/1/2032	Intensive Ag	2.468	\$720	5(b)	
gl5569	SEABURY, ALFRED	(3) 2-4-049:001-0000	Agricultural	Agriculture-various	South Hilo (H)	12/9/1998	12/8/2028	Intensive Ag	10.579	\$740	5(b)	
gl4446	EUNICE NURSERY, INC., H.	(3) 2-4-049:002-0000	Agricultural	Agriculture-various	South Hilo (H)	9/4/1975	9/3/2010	Ag & Pasture	10.021	\$3,800	5(b)	
gl4450	LONO, SAMUEL JUICHI	(3) 2-4-049:003-0000	Agricultural	Agriculture-various	South Hilo (H)	9/4/1975	9/3/2030	Ag-Residence	10.021	\$4,950	5(b)	
gl4637	PANAEWA TROPICALS INC.	(3) 2-4-049:004-0000	Agricultural	Agriculture-various	South Hilo (H)	5/1/1980	4/30/2015	Diversified Ag	10.021	\$3,600	5(b)	
gl5250	MAYEDA, PAUL HIROSHI	(3) 2-4-049:005-0000	Agricultural	Agriculture-various	South Hilo (H)	6/25/1992	6/24/2027	Diversified Ag	10.021	\$7,160	5(b)	
gl4366	MAYEDA, PAUL H & MAXINE N	(3) 2-4-049:006-0000	Agricultural	Agriculture-various	South Hilo (H)	8/17/1972	8/16/2027	Agriculture	10.008	\$3,500	5(b)	
gl4447	HUNTER, DONALD J. & CAROLYN	(3) 2-4-049:007-0000	Agricultural	Agriculture-various	South Hilo (H)	9/4/1975	9/3/2010	Ag & Pasture	10.008	\$4,480	5(b)	
gl4453	SPIES, JONATHAN P. & MARY NANI	(3) 2-4-049:008-0000	Agricultural	Agriculture-various	South Hilo (H)	9/4/1975	9/3/2030	Ag-Residence	10.021	\$4,000	5(b)	
gl4638	BIG ISLAND PLANT & FOLIAGE INC	(3) 2-4-049:009-0000	Agricultural	Agriculture-various	South Hilo (H)	5/1/1980	4/30/2015	Diversified Ag	10.021	\$3,450	5(b)	

EXHIBIT "B"

Doc No.	Lessee Name	TMK	State Land Use	County Zoning	Tax District Name	Lease From	Lease To	Char of Use	Lsed Area (AC)	Annual Rent	Trust Land Status	DHHL Entitle ment
gl4455	PALMS, INC.	(3) 2-4-049:010-0000	Agricultural	Agriculture-various	South Hilo (H)	9/4/1975	9/30/2030	Ag-Residence	10.021	\$3,400	5(b)	
gl4225	KITAGAWA, MITSUO & YAEKO	(3) 2-4-049:011-0000	Agricultural	Agriculture-various	South Hilo (H)	2/7/1969	2/6/2024	Ag-Residence	10.021	\$3,500	5(b)	
gl4456	GERVAIS, JR., JULES & SOONTAREE	(3) 2-4-049:012-0000	Agricultural	Agriculture-various	South Hilo (H)	9/4/1975	9/3/2030	Ag-Residence	6.784	\$2,660	5(b)	
gl4364	PUNA CERTIFIED NURSERY, INC.	(3) 2-4-049:017-0000	Agricultural	Agriculture-various	South Hilo (H)	8/17/1972	8/16/2027	Agriculture	12.683	\$4,050	5(b)	
gl4634	HUNTER, DONALD & CAROLYN	(3) 2-4-049:020-0000	Agricultural	Agriculture-various	South Hilo (H)	5/1/1980	4/30/2015	Diversified Ag	10.243	\$3,600	5(b)	
gl5615	HAWAII FOLIAGE EXPORTS INC.	(3) 2-4-049:021-0000	Agricultural	Agriculture-various	South Hilo (H)	5/27/2001	5/26/2031	Intensive Ag	10.243	\$2,800	5(b)	
gl4636	OKAZAKI, RONALD TAKEHIKO	(3) 2-4-049:022-0000	Agricultural	Agriculture-various	South Hilo (H)	5/1/1980	4/30/2015	Diversified Ag	10.243	\$3,600	5(b)	
gl4640	MENTNECH ET AL, MICHAEL G.	(3) 2-4-049:023-0000	Agricultural	Agriculture-various	South Hilo (H)	5/1/1980	4/30/2035	Ag-Residence	10.243	\$3,600	5(b)	
gl5540	BIG ISLAND AGRICULTURAL	(3) 2-4-049:024-0000	Agricultural	Agriculture-various	South Hilo (H)	7/2/1997	7/1/2032	Intensive Ag	10.231	\$895	5(b)	
gl4138	KEAULANA-DYBALL, MERLIN	(3) 2-4-049:025-0000	Agricultural	Agriculture-various	South Hilo (H)	1/12/1968	1/11/2023	Ag-Residence	10.008	\$3,500	5(b)	
gl4445	GREEN POINT NURSERIES INC.	(3) 2-4-49:26,27,28	Agricultural	Agriculture-various	South Hilo (H)	9/4/1975	9/3/2010	Ag & Pasture	30.34	\$7,509	5(b)	
gl3954	MIYASHIRO POULTRY & HOG FARM	(3) 2-4-049:030-0000	Agricultural	Agriculture-various	South Hilo (H)	11/24/1965	11/23/2020	Agriculture	10.097	\$1,500	5(b)	
gl4205	FLOWERS INCORPORATED	(3) 2-4-049:031-0000	Agricultural/Cons.	Agriculture-various	South Hilo (H)	9/26/1968	9/25/2023	Agriculture	60	\$9,000	5(b)	
gl4632	PUNA CERTIFIED NURSERY INC.	(3) 2-4-049:032-0000	Agricultural	Agriculture-various	South Hilo (H)	5/1/1980	4/30/2015	Diversified Ag	9.079	\$3,300	5(b)	
gl5553	HAMAKUA-NORTH HILO	(3) 4-3-3:2,3,4,5,6,7	Agricultural/Cons.	Agriculture-various	Hamakua (H)	6/30/1998	6/29/2033	Ag & Pasture	158.581	\$19,699	5(b)	Yes
gl5549	HAMAKUA-NORTH HILO	(3) 4-4-001:001-0000	Agricultural/Cons.	Agriculture-various	Hamakua (H)	6/30/1998	6/29/2033	Ag & Pasture	32.1	\$2,875	5(b)	Yes
gl5554	HAMAKUA-NORTH HILO	(3) 4-6-1:7,8,18	Agricultural	Agriculture-various	Hamakua (H)	6/30/1998	6/29/2033	Ag & Pasture	117.98	\$9,683	5(b)	Yes
rp7173	SOLOMON, RANDOLPH	(3) 4-6-002:001-0000	Agricultural	Agriculture-various	Hamakua (H)	1/22/1999		Pasture	90.8	\$276	5(b)	Yes

EXHIBIT "B"

Doc No.	Lessee Name	TMK	State Land Use	County Zoning	Tax District Name	Lease From	Lease To	Char of Use	Lsed Area (AC)	Annual Rent	Trust Land Status	DHHL Entitle ment
rp7174	J.J. ANDRADE SLAUGHTERHOUSE	(3) 4-6-002:007-0000	Agricultural	Agriculture- various	Hamakua (H)	1/22/1999		Pasture	67.69	\$180	5(b)	Yes
gl5551	HAMAKUA-NORTH HILO	(3) 4-6-3:1;2,20	Agricultural	Agriculture- various	Hamakua (H)	6/30/1998	6/29/2033	Ag & Pasture	386.031	\$32,804	5(b)	Yes
VACANT	VACANT	(3) 4-7-004:009	Agricultural		Hamakua (H)			VACANT	35.62	\$0	5(b)	Yes
gl5670	TROPICAL PONDS HAWAII, LLC	(3) 5-5-007:005-0000	Agricultural		North Kohala (H)	10/1/2005	9/30/2035	Aquaculture	40.57	\$7,400	5(b)	
gl4548	PENOVAROFF, ALEXANDER	(3) 6-6-005:021-0000	Agricultural	Agriculture- various	South Kohala (H)	2/10/1977	2/9/2032	Ag-Residence	16.958	\$3,840	5(b)	
gl4549	HIRAKO FARMS, INC.	(3) 6-6-005:026-0000	Agricultural	Agriculture- various	South Kohala (H)	2/10/1977	2/9/2032	Ag-Residence	35.818	\$4,370	5(b)	

TOTALS: 1,953.49 \$203,270

EXHIBIT "B"

Doc No.	Lessee Name	TMK	State Land Use	County Zoning	Tax District Name	Lease From	Lease To	Char of Use	Lsed Area (AC)	Annual Rent	Trust Land Status	DHHL Entitle ment
gl5367	SUNKISS SHRIMP LTD.	(4) 1-2-002:022-0000	Agricultural		Waimea (K)	8/1/1994	7/31/2029	Aquaculture	5.195	\$1,100	5(b)	
gl4654	SYNGENTA SEEDS, INC.	(4) 1-2-002:035-0000	Agricultural	Agricultural	Waimea (K)	5/16/1980	5/15/2023	Diversified Ag	42.019	\$12,500	5(b)	
gl5470	PIONEER HI-BRED INTERNATIONAL	(4) 1-2-002:043-0000	Agricultural		Waimea (K)	10/1/1995	9/30/2030	Ag & Pasture	17.297	\$1,729	5(b)	
gl4741	PIONEER HI-BRED INTERNATIONAL	(4) 1-2-2:1,42	Agricultural/Urban		Waimea (K)	7/16/1981	7/15/2016	Intensive Ag	5.601	\$1,570	5(b)	
gl4913a	PIONEER HI-BRED INTERNATIONAL	(4) 1-2-2:1,6	Agricultural/Urban		Waimea (K)	12/29/1983	7/15/2016	Diversified Ag	32.929	\$6,500	5(b)	
gl4938	NONAKA, DEAN H. & NICOL U.	(4) 1-9-001:003	Agricultural		Waimea (K)	1/13/1985	3/26/2021	Agriculture	4.95	\$558	5(b)	
gl5113	NONAKA, DEAN H. & NICOL U.	(4) 1-9-001:014-0000	Agricultural	Open Space	Waimea (K)	3/27/1986	3/26/2021	Intensive Ag	6.1	\$2,523	5(b)	
rp7317	CHU, HELEN B.H.	(4) 1-9-002:019-0000	Agricultural	Agricultural	Waimea (K)	3/27/2002		Ag-Residence	1.14	\$264	5(b)	
gl3960	MIYABARA, HITOSHI & HATSUE	(4) 1-9-2:1,20	Agricultural	Agricultural	Waimea (K)	2/17/1966	2/16/2019	Intensive Ag	3.326	\$465	5(b)	
rp7366	MONSANTO COMPANY	(4) 1-9-2:13,45	Agricultural	Agricultural	Waimea (K)	5/4/2003		Agriculture	10.976	\$2,064	5(b)	
rp7045	NAGAMINE, SHOICHI	(4) 1-9-003:006-0000	Agricultural	Agricultural	Waimea (K)	8/31/1995		Intensive Ag	7.826	\$1,380	5(b)	
rp7342	MISSION, FRANCIS P. AND LAURA	(4) 1-9-003:010-0000	Agricultural	Agricultural	Waimea (K)	6/1/2003		Intensive Ag	4.037	\$828	5(b)	
rp7259	SANTOS, FRANK & ABIGAIL	(4) 1-9-7:5,7,28,29,30	Agricultural/Urban		Waimea (K)	5/1/2001		Agriculture	16.09	\$8,076	5(b)	
gl5397	CORR, RICHARD	(4) 1-9-012:028-0000	Agricultural	R2	Waimea (K)	8/5/1995	7/31/2030	Intensive Ag	7.22	\$2,102	5(b)	
gl5480	NISHEK, LELAN & BARBARA	(4) 4-4-002:031-0000	Agricultural	Agricultural	Kawaihau (K)	8/31/1995	8/30/2020	Ag-Residence	18.55	\$3,611	5(b)	

TOTALS:

183.256

\$45,270

judgment incorporates within its ambit all interlocutory orders and rulings leading to that final judgment.

SECTION 4. Statutory material to be repealed is bracketed and stricken.¹ New statutory material is underscored.²

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 6. This Act shall take effect upon its approval.

(Approved May 27, 2003.)

Notes

1. No bracketed material.
2. Edited pursuant to HRS §23G-16.5.

ACT 90

S.B. NO. 1034

A Bill for an Act Relating to Agricultural Lands.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to title 11, to be appropriately designated and to read as follows:

"CHAPTER NON-AGRICULTURAL PARK LANDS

§ -1 Legislative findings. The legislature finds that article XI, section 10, of the State Constitution establishes that "the public lands shall be used for the development of farm and homeownership on as widespread a basis as possible, in accordance with procedures and limitations prescribed by law."

Therefore, the legislature finds that certain public lands classified for agricultural use by the department of land and natural resources should be transferred to the department of agriculture, with the approval of the board of land and natural resources and the board of agriculture, for purposes and in a manner consistent with article XI, section 10, of the State Constitution.

The purpose of this chapter is to ensure the long-term productive use of public lands leased or available to be leased by the department of land and natural resources for agricultural purposes by allowing these lands to be transferred to and managed by the department of agriculture.

§ -2 Definitions. For the purposes of this chapter:

"Agricultural activities" means the care and production of livestock, livestock products, poultry, or poultry products, or apiary, horticultural, or floricultural products, or the planting, cultivating, and harvesting of crops or trees.

"Board" means the board of agriculture.

"Department" means the department of agriculture.

"Non-agricultural park lands" means lands that are not designated as agricultural parks pursuant to chapter 166.

§ -3 Transfer and management of non-agricultural park lands and related facilities to the department of agriculture. (a) Upon mutual agreement and approval of the board and the board of land and natural resources:

- (1) The department may accept the transfer of and manage certain qualifying non-agricultural park lands; and
- (2) Certain assets, including position counts, related to the management of existing encumbered and unencumbered non-agricultural park lands and related facilities shall be transferred to the department.

(b) The department shall administer a program to manage the transferred non-agricultural park lands under rules adopted by the board pursuant to chapter 91. The program and its rules shall be separate and distinct from the agricultural park program and its rules. Non-agricultural park lands are not the same as, and shall not be selected or managed as are lands under agricultural park leases. Notwithstanding any other law to the contrary, the program shall include the following conditions pertaining to encumbered non-agricultural park lands:

- (1) The lessee or permittee shall perform in full compliance with the existing lease or permit;
- (2) The lessee or permittee shall not be in arrears in the payment of taxes, rents, or other obligations owed to the State or any county; and
- (3) The lessee's or permittee's agricultural operation shall be economically viable as specified by the board.
- (4) No encumbered or unencumbered non-agricultural park lands with soils classified by the land study bureau's detailed land classification as overall (master) productivity rating class A or B shall be transferred for the use or development of golf courses, golf driving ranges, and country clubs.

The transfer of non-agricultural park lands shall be done in a manner to be determined by the board of agriculture may include more than one parcel; provided that these parcels are geographically adjacent to one another.

(c) For any encumbered or unencumbered non-agricultural park lands transferred to the department that are not being utilized or required for the public purpose stated, the order setting aside the lands shall be withdrawn and the lands shall be returned to the department of land and natural resources.

§ -4 Conversion of qualified and encumbered other agricultural lands. The department shall establish criteria and rules pursuant to chapter 91 and subject to approval by the board to convert qualified and encumbered non-agricultural park lands to department leases or other forms of encumbrance.

§ -5 Extension of other agricultural lands encumbered by permit and transferred to and managed by the department. Notwithstanding chapter 171, the board shall establish criteria and rules to allow the cancellation, renegotiation, and extension of transferred encumbrances by the department. Notwithstanding any law to the contrary, leases of encumbered non-agricultural park lands transferred to the department shall not have their respective length of term or rents reduced over the remaining fixed term of the leases.

§ -6 Rules. The board shall adopt rules pursuant to chapter 91 to effectuate the purposes of this chapter."

SECTION 2. The board of agriculture and the board of land and natural resources shall jointly report to the legislature, not later than twenty days prior to the convening of the 2004 regular session, on their efforts to effectuate the transfers authorized under this Act.

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(Approved)

A Bill for an Act
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(Approved)

SECTION 3. This Act shall not be applied so as to impair any contract existing as of the effective date of this Act in a manner violative of either the Constitution of the State of Hawaii or Article I, Section 10, of the United States Constitution.

SECTION 4. This Act shall take effect upon its approval.

(Approved May 28, 2003.)

ACT 91

S.B. NO. 1258

A Bill for an Act Relating to the Agribusiness Development Corporation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Act 176, Session Laws of Hawaii 1998, is amended by repealing section 5.

~~["SECTION 5. Section 163D-3, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:~~

~~(b) The board of directors of the corporation shall consist of the members of the board of agriculture."']~~

SECTION 2. Act 176, Session Laws of Hawaii 1998, as amended by section 3 of Act 117, Session Laws of Hawaii 1999, and as amended by section 2 of Act 213, Session Laws of Hawaii 2001, is amended by amending section 19 to read as follows:

~~"SECTION 19. This Act shall take effect on July 1, 1998; provided that section 5 shall take effect on July 1, 2005]."~~

SECTION 3. Act 117, Session Laws of Hawaii 1999, as amended by section 3 of Act 213, Session Laws of Hawaii 2001, is amended by amending section 6 to read as follows:

~~"SECTION 6. This Act shall take effect on June 30, 1999; provided that[~~

~~(1) Section 1 shall be repealed on June 30, 2005; and~~

~~(2) Section] section 4 shall take effect on July 1, 1999."~~

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved May 28, 2003.)

“§188- Miloli‘i fisheries management area. The Miloli‘i fisheries management area, as defined in the administrative rules of the department of land and natural resources, shall be designated a community based subsistence fishing area, as provided in section 188-22.6. The department of land and natural resources shall adopt management strategies and other rules consistent with section 188-22.6 that:

- (1) Ensure long-term sustainable populations of fish and other marine species; and
- (2) Encourage the scientific study and understanding of subsistence fishing management.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Became law on July 12, 2005, without the Governor’s signature, pursuant to Art. III, §16, State Constitution.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 233

S.B. NO. 1267

A Bill for an Act Relating to Shark Monitoring.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that there are growing incidents of shark attacks in this State. To understand shark activity, there is a need to collect and interpret data about shark movements and habits of migration.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$25,000 or so much thereof as may be necessary for fiscal year 2005-2006 for the department of land and natural resources, in conjunction with the Hawaii institute of marine biology, to hire a contractor to tag and monitor sharks along the leeward coast of Oahu from Pearl Harbor to Kaena Point.

The sum appropriated shall be expended by the department of land and natural resources, in conjunction with the Hawaii institute of marine biology, for the purposes of this Act.

SECTION 3. This Act shall take effect on July 1, 2005.

(Became law on July 12, 2005, without the Governor’s signature, pursuant to Art. III, §16, State Constitution.)

ACT 234

H.B. NO. 1641

A Bill for an Act Relating to Non-Agricultural Park Lands.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 166E, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

ACT 235

“§166E- Non-agricultural park lands special fund; established. (a) There is established in the state treasury the non-agricultural park lands special fund, into which shall be deposited:

- (1) Legislative appropriations to the fund; and
- (2) All lease rent, fees, penalties, and any other revenue or funds collected from non-agricultural park lands that are transferred, or in the process of being transferred, to the department under this chapter.

(b) Moneys in the special fund shall be used to defray the costs incurred in managing, administering, and overseeing non-agricultural park lands that are transferred, or in the process of being transferred, to the department under this chapter.

(c) The department shall administer the non-agricultural park lands special fund.”

SECTION 2. New statutory material is underscored.¹

SECTION 3. This Act shall take effect on July 1, 2005.

(Became law on July 12, 2005, without the Governor's signature, pursuant to Art. III, §16, State Constitution.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 235

S.B. NO. 1729

A Bill for an Act Relating to Tourism.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The tourism industry plays a large role in the health of Hawaii's economy. Consequently, the State's growth is strongly correlated to the rate of economic expansion in U.S. and international tourist markets. The legislature finds that an increase in funding is necessary to preserve and strengthen the tourism industry.

The legislature further finds that investment in tourism is critical to ensure that Hawaii maintains a successful and sustainable tourism industry. The Hawaii tourism authority recently completed the Hawaii tourism strategic plan: 2005-2015, with assistance from industry, government, and the community. The plan broadened the roles and responsibilities of the Hawaii tourism authority by identifying the Hawaii tourism authority as the lead or support in all nine strategic initiatives and in the overall management of the tourism special fund. One of the critical programs implements a safety and security budget. These moneys would be used to pay for existing programs such as the visitor assistance program and the implementation of the aloha aina patrol. It is imperative that the Hawaii tourism authority be given additional resources to effectively and efficiently implement its programs. This would mean an increased focus in areas such as safety and security, workforce development, and communications.

The Hawaii tourism authority provides funding for various visitor assistance programs. Moneys for these programs are derived in part from the transient accommodations tax. With the dedicated source of funding established under this Act for safety and security programs, the Hawaii tourism authority will have the latitude to fund existing programs or establish new ones, such as the aloha aina patrol, which will operate under the jurisdiction of each respective county. The Hawaii tourism

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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

December 9, 2005

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:05KD-234

KAUAI

Set Aside to Agribusiness Development Corporation for
Irrigation System and Waimea (Mauka) Hydro-Electric Power
Generation Plant Purposes, Kekaha and Waimea Valley
including Hawaiian Home Lands, Kauai, Tax Map Keys: (4) 1-2-
1:various; 1-2-2:various; 1-4-1:various; and 1-5-1:various.

APPLICANT:

Agribusiness Development Corporation (ADC)

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands of Kekaha and Waimea Valley situated
at Waimea, Kauai, identified by Tax Map Keys: (4) 1-2-1:various;
1-2-2:various; 1-4-1:various; and 1-5-1:various, as shown on the
attached map labeled Exhibit A.

AREA:

Various.

ZONING:

State Land Use District: Agriculture
County of Kauai CZO: Agriculture

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES x NO

CURRENT USE STATUS:

Encumbered by Revocable Permit No. S-7252, Controlled Environment

Aquaculture Technology, Inc. (CEATECH); Syngenta Seeds, Inc.; Pioneer Hi-Bred International, Inc.; Gay & Robinson, Inc.; Wally Johnson, Permittee, for operation and maintenance of a portion of an existing water transportation system; and taking water from within the Kokee and Kekaha Ditches purposes. Note: Based on U.S. Bankruptcy Court ruling the Land Board on July 22, 2005, under agenda Item D-2, consented to the assignment of CEATECH's interest to Sunrise Capital, LLC or its designee.

Encumbered by Revocable Permit No. S-7359, Agribusiness Development Corporation for hydro-electric power generation and structures purposes.

PURPOSE:

Irrigation system and Waimea (Mauka) hydro-electric power generation plant purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

APPLICANT REQUIREMENTS:

None

BACKGROUND:

In 2001, AMFAC closed Kekaha Sugar Company (General Lease No. S-4222), ending nearly 100 years of sugar cultivation on some 28,000 acres of State and Hawaiian Home Lands at West Kauai. In anticipation of the closure, at its meeting of October 27, 2000, under agenda item D-29, the Board authorized the issuance of five (5) revocable permits to: Syngenta Seeds (corn seed), Pioneer Hi-Bred International (corn seed), Wally Johnson (diversified farming), Controlled Environment Aquaculture Technology (aquaculture), and Gay & Robinson (sugar). In a separate action, under agenda item D-30, the Board authorized the issuance of a revocable permit for the operation and maintenance of a portion of an existing water transportation infrastructure system and to take water from within the existing Kokee Ditch and Waimea Ditch. Permit rent for the first six months was waived to allow the users an opportunity to move onto the property, form a cooperative, and undertake the critical maintenance of important infrastructure. For the irrigation system, Revocable Permit No. S-7252 was executed on April 23, 2003. When the permits were originally issued, it was the intention of the permittees to quickly form a cooperative that would

then apply for a direct lease covering the property. The co-op was to then sublease to users and manage the water system supported by funds provided by members of the co-op.

At its meeting of October 6, 2001, under agenda item D-11, the Land Board tabled the idea of having the co-op apply for the master lease and authorized the issuance of a direct lease and a revocable permit to ADC. Staff had prepared several versions of a lease and revocable permit with ADC, although none have been acceptable to the ADC Board. In meetings with ADC and the Departments staff, it had been determined that issuance of a set aside to ADC is preferred over a long-term lease and better achieves the purposes of both entities. The set aside would allow ADC complete management responsibility without the requirement of returning to the Land Board for various operational and management issues. Once the set aside is finalized, the ADC would enter into leases with the existing revocable permit holders and facilitate others who desire to occupy portions of State lands.

Kekaha Sugar generated power for its operations at the Mauka Hydro located at the bottom of Waimea Canyon. For some unknown reason, the hydro site was not under any lease or permit. The Mauka Hydro is necessary for the economic operation of the electrical systems that provide power to the current revocable permit holders on the Kekaha lands and for the operation of the pumps that dewater the Mana plain. ADC had made significant improvements to the Mauka Hydro over the past few years with the aid of funding from the U.S. Navy Pacific Mille Range Facility. Continued use and operation of the Mauka Hydro is required for the effective management of the Kekaha lands to be set aside to ADC. ADC had entered into a Purchase Power Agreement with Kauai Island Utilities Cooperative (KIUC) where the parties have agreed to make deliveries of energy to each other and in emergency situations. About two-thirds of the energy delivered by ADC is generated at the Mauka Hydro.

At its meeting of July 11, 2003, under agenda item D-10, the Land Board approved to recommend to the Governor a set aside to ADC and the issuance of a revocable permit to ADC for the Mauka Hydro. Revocable Permit No. S-7359 was executed on January 7, 2004. The Acting Governor signed Executive Order No. 4007 on September 16, 2003.

REMARKS:

The Waiawa hydroelectric power plant and portions of the irrigation system (or ditch) is within Governor's Executive Order No. 4007. Other sections and the Waimea (Mauka) hydro-electric power generation plant is outside Governor's Executive Order No. 4007. The irrigation system (or ditch) originates from Puu Ka Pele Forest Reserve and the Napali-Kona Forest Reserve then runs through the Department of Hawaiian Home Lands and finally to Governor's Executive Order No. 4007.

This request is to address only the irrigation system (or ditch) including the land underneath the water and the taking of the water. ADC is requesting the Land Board's favorable consideration for the set aside. The set aside will allow ADC flexibility in managing and operating the irrigation system (ditch) for the agricultural community, the hydro-electric power generator plants, and other common infrastructure that were traditionally managed by the former Kekaha Sugar Company.

Currently, ADC along with its tenants and contractors are managing the irrigation system and the Mauka Hydro. There is no alternative agency to manage the irrigation system (or ditch) or the Mauka Hydro for the West side of Kauai.

Comments were solicited and their statements are listed below:

County of Kauai, Planning	No response
County of Kauai, Public Works	No comments
County of Kauai, Dept of Water	No comments
DHHL	No response
DLNR Aquatic Resources	No response
DLNR Forestry & Wildlife	No response
DLNR Historic Preservation	No historic properties will be affected
DLNR State Parks	Comments attached as Exhibit B
DLNR Water Resource Management	No objections
DOA	No response
US Dept of Navy	No response
NRCS	No response
OHA	No response

Copies of comments received were forwarded to ADC. Staff reviewed Governor's Executive Order Nos. 1509, 1510, 2197, and 2209. All streams, water ways and water systems, springs, wells and reservoirs, and all riparian and other rights appurtenant to the land were excluded from the park and forest reserves. Land Division lacks the expertise to manage former sugar plantation irrigation systems and their infrastructures (ie. Hamakua, Kau, Kalepa). It is unlikely Division of State Parks has that expertise. There are only two (2) agencies excluding the County's Water Department, and they are the Department of Agriculture (DOA) and ADC capable of managing former sugar plantation irrigation systems and their infrastructures. DOA has expressed no interest. ADC has agreed to open dialog with Division of State Parks staff on Kauai to iron out any misunderstandings.

This intricate system (from the mountain to the sea) needs to be maintained to lessen flood threats to Kekaha town, the Pacific Missile Range Facility, ADC's agricultural tenants, Polihale State Park, Waimea Valley taro farmers, etc.

The set aside staff is requesting does not allow ADC to sell the State-owned improvements, the land underneath the water, and the water. It is only for ADC's jurisdiction control and management.

The existing Revocable Permit No. S-7252 and S-7359 will be terminated upon issuance of the set aside.

RECOMMENDATION:

That the Board, subject to Applicant fulfilling the Applicant Requirements above:

1. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to Agribusiness Development Corporation under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

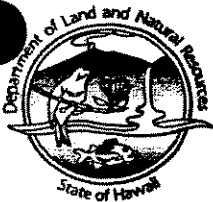
Charlene E. Unoki

but Charlene E. Unoki
Assistant Administrator

APPROVED FOR SUBMITTAL:

[Signature]
Peter T. Young, Chairperson

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF STATE PARKS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

November 9, 2005

MEMORANDUM

To: Charlene Unoki, District Land Agent
Land Division

From: Daniel S. Quinn, Administrator
Division of State Parks

A handwritten signature of Daniel S. Quinn, Administrator, is written next to the "From:" line.

Subject: Set Aside for Irrigation System and Hydroelectric Power Generation Plant,
Waimea, Kaua'i

We have reviewed the proposed set aside of land to Agribusiness Development Corporation (ADC) and prefer that the disposition for the Kōke'e irrigation system be by a long-term lease. We are strongly opposed to the withdrawal of park lands within Kōke'e and Waimea Canyon State Parks and the subsequent setting aside of those park lands to the Agribusiness Development Corporation (ADC).

While the proposed set aside would "allow ADC complete management responsibility without the requirement of returning to the Land Board for various operational and management issues", we believe that it would be at the expense of park values (for example, "wilderness", scenic, and biological) and public recreational use.

In addition, this proposed action would partition the parks and require State Parks to obtain a lease and/or easements for existing and future park uses over the lands set aside to ADC. It should also be noted that Kōke'e Ditch tunnels under the State highway and several recreation residences.

If you have questions, or need additional information, please contact Wayne Souza, Kaua'i Parks District Superintendent at 4-3446 or by email.

c: Wayne Souza

EXHIBIT "B"

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL
RESOURCES
RECEIVED
LAND DIVISION
ROBERT M. MAZUR
DEPUTY DIRECTOR - LAND
DEAN NAKANO
DEPUTY DIRECTOR - WATER
2005 NOV 14 P 3:13
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCES
MANAGEMENT
CONSERVATION AND COASTAL LANDS
ENFORCEMENT
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAOLOAWE ISLAND RESERVE
COMMISSION
LAND
STATE PARKS



KOKEE AND KEKAHA DITCHES

Waimea, (Kona) Kaula, Hawaii.

Scale: 1 inch = 4000 feet

NOTE: 3.0 Miles of Kokee (Main) Ditch, 3.0 Miles of Kokee Ditch (West Branch) and 10.4 Miles of Kekaha Ditch not included in C.S.F. 15,669

NOTE: Reduced from U.S. Geological Survey Quadrangle (topographic) maps.
Job No. K-4156

(SEE C.S.F. 15,669 FOR DESCRIPTION)

H.S.S. PLAT 3087-1

TAX MAP KEYS: 1-2-01; 1-2-02; 1-4-01; 1-5-01

10" X 21" X 3.5 60 FT.

EXHIBIT "A"

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

December 9, 2005

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 05KD-190

Kauai

Set Aside to County Of Kauai for Developing Affordable
Housing Purposes, Kekaha, Waimea, Kapaa, Anahola, Kauai, Tax
Map Keys: (4) 1-2-02:32; 1-2-06:18; 4-3-07:07, 08 & 11; 4-6-
14:30 & 112; and 4-8-13:13.

APPLICANT:

County of Kauai

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes (HRS), as amended.

LOCATIONS:

	EXHIBIT A
1-2-02:32	Waimea, Kauai
1-2-06:18	Waimea, Kauai
4-3-07:7	Kapaa, Kauai
4-3-07:8	Kapaa, Kauai
4-3-07:11	Kapaa, Kauai
4-6-14:30	Kapaa, Kauai
4-6-14:112	Kapaa, Kauai
4-8-13:13	Anahola, Kauai

AREA:

1-2-02:32	33.143 acres more or less
1-2-06:18	50.264 acres more or less
4-3-07:7	17.742 acres more or less
4-3-07:8	8.202 acres more or less
4-3-07:11	1.529 acres more or less
4-6-14:30	12.831 acres more or less
4-6-14:112	13.575 acres more or less
4-8-13:13	1.698 acres more or less

ZONING:

	State Land Use District	County of Kauai CZO
1-2-02:32	Agricultural	Agricultural
1-2-06:18	Urban	Residential
4-3-07:7	Urban	Residential
4-3-07:8	Urban	Residential
4-3-07:11	Urban	Residential
4-6-14:30	Urban	Residential
4-6-14:112	Urban	Residential
4-8-13:13	Urban	Residential

TRUST LAND STATUS:

	Section 5(b) lands of the Hawaii Admission Act	DHHL 30% entitlement lands
1-2-02:32	Yes	Yes
1-2-06:18	Yes	Yes
4-3-07:7	Yes	No
4-3-07:8	Yes	No
4-3-07:11	Yes	No
4-6-14:30	Yes	No
4-6-14:112	Yes	No
4-8-13:13	Yes	No

CURRENT USE STATUS:

1-2-02:32	Revocable Permit No. S-7376 issued to Ross Fernandez
1-2-06:18	Vacant and unencumbered
4-3-07:7	Vacant and unencumbered
4-3-07:8	Vacant and unencumbered
4-3-07:11	Vacant and unencumbered
4-6-14:30	Vacant and unencumbered
4-6-14:112	Vacant and unencumbered
4-8-13:13	Vacant and unencumbered

PURPOSE:

Developing affordable housing purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible

for compliance with Chapter 343, HRS, as amended.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Process and obtain subdivision at Applicant's own cost;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost; and
- 3) Provide County Council approval, funding commitment, development plans, construction plans, government permits and approvals, and construction contract.

BACKGROUND:

By a letter dated August 8, 2005, Mayor Bryan J. Baptiste wrote to Chairperson Peter T. Young requesting 8 parcels of State lands be set aside to the County of Kauai for the purpose of developing affordable housing. (Exhibit B) Through a news release, Mayor Baptiste discussed Project Mana'olana. County personnel would be conducting surveys on how many residents are interested in becoming homebuyers and how many are in need of rentals. Developers would be involved. The County would then be able to determine the housing needs and create a master plan. (Exhibit C)

REMARKS:

Every island is faced with a need for "affordable housing". Currently, the State agency trying to address this housing issue is the Housing and Community Development Corporation of Hawaii (HCDCH). The County of Kauai is now trying to address the housing problem for its community. No information (or a plan) has been submitted to analyze if the County's proposed use is durable and fully utilizes the requested State lands. Staff has conditioned this request on the County submitting documentation before the execution of the set aside document to support its request. Example: County Council approval, funding commitments, development timeline, etc. This is to ensure timely development of the project.

Comments were solicited and their statements are listed below:

DHHL	No response
DOT	No response
County of Kauai, Dept. of Planning	No objections
County of Kauai, Dept. of Public Works	No comments
County of Kauai, Dept. of Parks & Recreation	No response
County of Kauai, Public Access, Open Space & natural Resources Commission	No response
DLNR Historic Preservation	Comments attached

	as Exhibit D
OHA	Comments attached as Exhibit E
County of Kauai, Dept. of Water	Comments attached as Exhibit F
DOH	No comments

On September 8, 2005, staff forwarded copies of the comments to Mayor Baptiste office. To date we have not received a response.

RECOMMENDATION:

That the Board, subject to Applicant fulfilling the Applicant Requirements above:

1. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to County of Kauai under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. If Applicant Requirements are not met within 3 years, this approval will automatically be rescinded.

Respectfully Submitted,

for Charlene B. Unohi
Thomas H. Oi
Kauai District Land Agent

APPROVED FOR SUBMITTAL:

Peter T. Young, Chairperson

[illegible]

State of
New
DUMPING GROUND
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Acs.

State of Hawaii
near N. - Brad International Inc.
O.L. S-97213-74

45 STATE OF HAWAII LOT C-2 11,580 AC

44 STATE OF HAWAII LOT C-1 20,000 AC

3

38 State of Hawaii
"Country of Hawaii"
"Pavlovskiy-Morsk 3178"
Bec. Ord 2360

41 State of Hawaii
(Kosheva Sugar Co., Ltd.)/6.

32 State of Hawaii LOT C 28,629 AC

43 State of Hawaii
(Phoenix N. - Oreo International Inc.

30, 31

State of Hawaii
(Dept. of Land & Natural Resources)

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Eric A. Kh

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② denotes number of course in description.

SUBJECT TO CHANGE

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TAXATION MAPS BRANCH			
STATE OF HAWAII			
TAX MAP			
FOURTH		DISTRICT	
ZONE	SEC	PLAT	
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CONTAINING		PARCELS	
SCALE: 1 IN = 2000 FT.			

CONTAINING PARCELS
SCALE: 1 IN. = 2000 FT.



EXHIBIT **A**

SITE LOCATION

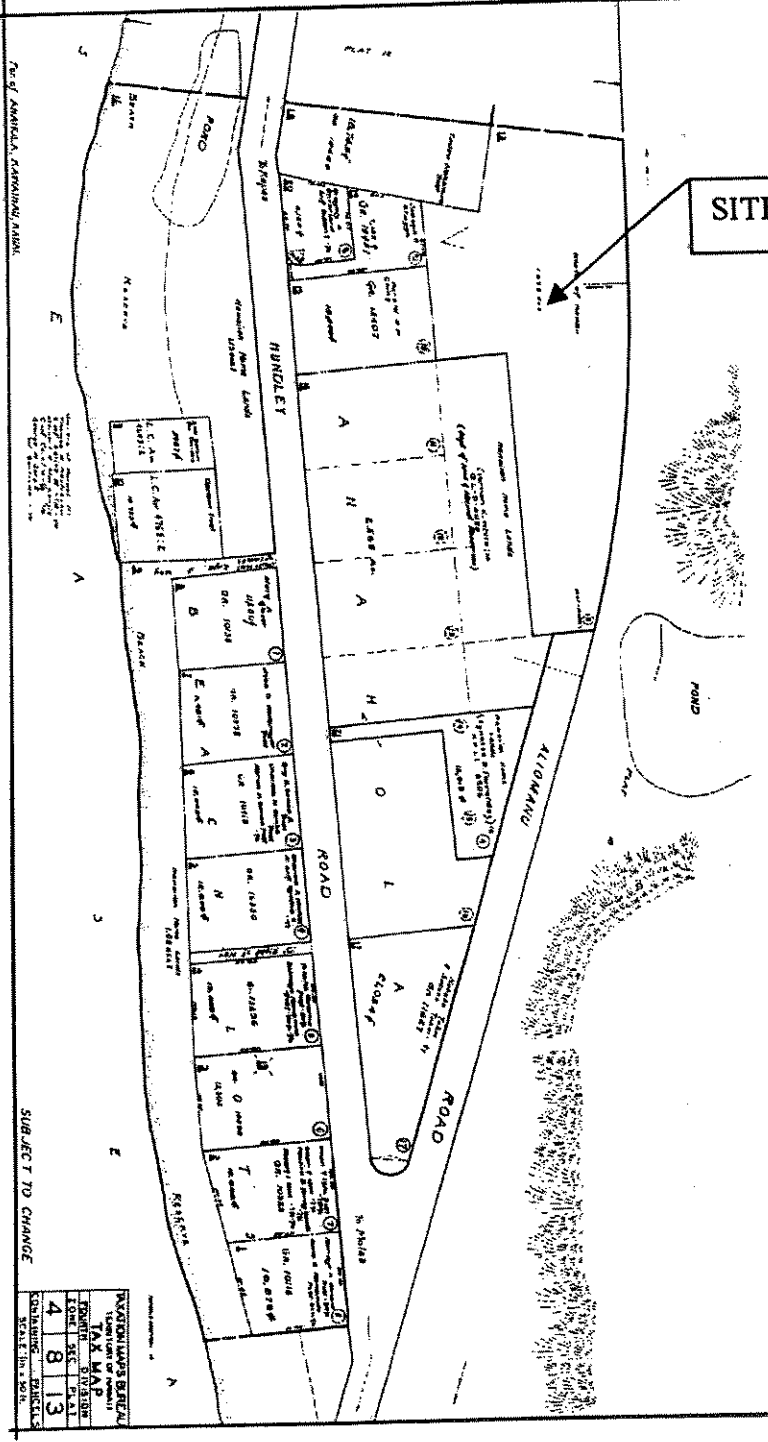


EXHIBIT A

Bryan J. Baptiste
Mayor



Gary K. Heu
Administrative Assistant

OFFICE OF THE MAYOR

County of Kauai, State of Hawaii
4444 Rice Street, Suite 235, Lihue, Hawaii 96766
TEL (808) 241-6300 FAX (808) 241-6877

August 8, 2005

Mr. Peter Young, Director
Department of Land and Natural Resources
1151 Punchbowl
Honolulu, Hawaii 96813

Re: REQUEST OF EXECUTIVE ORDER AGREEMENT

Dear Mr. Young:

The County of Kauai is requesting that the following parcels

- a) TMK No. (4) 1-2-06:18 with an area of 59 acres, located in Waimea, Kauai, Hawaii
- b) TMK No. (4) 1-2-02:32 with an area of 11.7 acres, located in Kekaha, Kauai, Hawaii
- c) TMK No. (4) 4-3-03:07 with an area of 17.7 acres, located at Kapa'a, Kauai, Hawaii
- d) TMK No. (4) 4-3-03:08 with an area of 8.2 acres, located at Kapa'a, Kauai, Hawaii
- e) TMK No. (4) 4-3-03:11 with an area of 1.5 acres, located at Kapa'a, Kauai, Hawaii
- f) TMK No. (4) 4-6-14:30 with an area of 12.8 acres, located at Kapa'a, Kauai, Hawaii
- g) TMK No. (4) 4-6-14:112 with an area of 13.58 acres, located at Kapa'a, Kauai, Hawaii
- h) TMK No. (4) 4-8-13:13 with an area of 1.7 acres, located at Anahola, Kauai, Hawaii

be designated for the County of Kauai's control and management for the purpose of developing affordable housing.


EXHIBIT "B"

Mr. Peter Young, Director
Page 2
August 8, 2005

For your assistance, we have prepared an Executive Order, which memorializes the transfer of these parcels from the State to the County control. We respectfully request that your Department prepare Exhibits "A" through "P".

Thank you in advance for your assistance. Please do not hesitate to contact us if you have any concerns or questions.

Very truly yours,


BRYAN J. BAPTISTE
Mayor

Enclosures

c: Governor Lingle
Tommy Ol \

EXHIBIT "B"

BRYAN J. BAPTISTE
Mayor



GARY HEU
Administrative Assistant

COUNTY OF KAUAI

News Release

For Immediate Release: August 9, 2005

Mayor announces plans for a new affordable housing project

LIHUE – Mayor Bryan J. Baptiste announced today that plans are underway for a new affordable housing project on Kaua'i called Project Mānā'olana.

"In talking with people across the island about housing opportunities, so many of them felt that there is no way they or their children would ever be able to afford a home on Kaua'i, said the mayor. "I felt compelled to create rays of hope for our residents."

In his quest to create more housing opportunities for island residents, the mayor recently met with Gov. Linda Lingle to discuss the possibility of transferring state lands to the county for affordable housing units.

The governor agreed that this move would be in the best interest of Kaua'i residents. So without hesitation, Mayor Baptiste applied for executive orders on a number of state-owned parcels offered by Gov. Lingle for Project Mānā'olana, and is expecting approval in the near future.

"The next step is for us to get a fairly accurate picture of the island's housing needs," said the mayor.

He pointed out that the Offices of Community Assistance Director Bernard Carvalho and his staff are planning to do a survey on how many Kaua'i residents are interested in becoming homebuyers and also how many are in need of rentals.

"We're asking for the public's help in providing us with this important information," said the mayor.

(more)

EXHIBIT C

County personnel will be conducting surveys around the island. The first will take place at the Kaua'i County Farm Bureau Fair slated for Aug. 25 through 28. The other surveys are scheduled for Sept. 10, 9 am to 1 pm, at the Kīlauea and Waimea neighborhood centers and at the Līhu'e Civic Center, Mō'ikeha Building, conference room 2A and 2B.

"The forms are fairly simple so it shouldn't take long to fill out a survey," said Carvalho, adding that the county booth will be located right next to the farm bureau's information booth.

"The data collected in the surveys, along with information gathered from developers, will help us determine what Kaua'i's true housing needs are so we can create a master plan for the island," said the mayor.

One aspect of Project Mānā'olana the administration is set on is making sure the units are kept affordable in perpetuity.

"Perhaps there will be buy-back clauses or a tie-in of valuations with the consumer price index or other economic indicators," said the mayor. "This aspect of the project needs to be discussed further."

If things go as planned for Project Mānā'olana, groundbreaking will take place in about two years.

Another related initiative that county officials have been working on is educating island residents on how to become successful homeowners.

The county's Housing Agency has teamed up with the Hawai'i HomeOwnership Center and is offering monthly home buyer education classes in the Līhu'e Civic Center, Pi'ikoi Building.

"Essentially, all the information and services one needs to become a homeowner are covered in the classes including – Managing Your Money, Getting a Mortgage Loan, Understanding Credit and Shopping for a Home," said Carvalho.

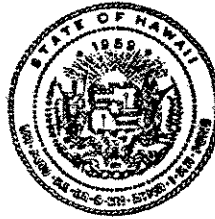
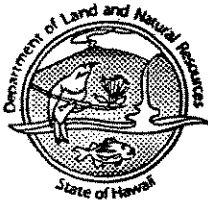
He also mentioned that next month, the Affordable Housing Advisory Committee will be submitting a housing policy to the County Council for consideration that includes a condition

stating that those who complete a homebuyer education program be placed on a priority list for affordable housing projects.

For information about the home buyer education classes, please call 1-877-523-9503.

###

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING, ROOM 555
KAPOLEI, HAWAII 96707

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
DEPUTY DIRECTOR - LAND

DEAN NAKANO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT

ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

September 22, 2005

MEMORANDUM

LOG NO: 2005.1829
DOC NO: 0508NM25

PM1:26:50

OCT 3 '05

DLNR KDLO RCVD

TO: Thomas Oi, Kauai District Land Agent
DLNR- Kauai Land Division

FROM: Melanie Chinen, Administrator
State Historic Preservation Division

SUBJECT: Chapter 6E-8 Historic Preservation Review – Request for the Set Aside
of Lands at Various Locations to the County of Kauai for Affordable
Housing (County of Kauai)
Kekaha, Waimea, Kapaa, Anaholoa, Kauai Island
TMK: 1-2-06: 18; 1-2-02: 32; 4-3-07, 07, 08, and 11, 4-6-14: 30
and 112, 4-8-13

Thank you for the opportunity to comment on this application which we received on August 15, 2005. No archaeological inventory survey has been consulted for these parcels. Some of these lands that were clearly in cane cultivation may only require an archaeological assessment. Those parcels include the following TMK: 4-3-007: 7, 8, and 11 (Kapaa).

We believe there maybe significant historic sites including habitation and temporary habitation sites, walls, agricultural terraces, etc. in the project area. In order to make sure the historic sites for this project are documented an archaeological inventory survey will need to be prepared for the following parcels: TMK: 1-2-2: 32 (Kekaha), 1-2-6: 18 (Waimea), 4-6-14: 30 and 112 (Kapaa), and 4-8-13: 13 (Anahola).

We recommend that any approved application contain the following:

- 1) An archaeological inventory survey or archaeological assessment shall be conducted as indicated above by a qualified archaeologist prior to any land altering activities. A report documenting the archaeological work shall be submitted to the State Historic Preservation Division for review and approval. The report shall include a proposed evaluation of significance of any historic sites that are found, and mitigation proposals for any significant sites that are present. These proposals must be reviewed and approved by the Division.

EXHIBIT D

Thomas Oi, Kauai District Land Agent
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2) If significant historic sites are present (non-burial sites), then detailed mitigation plans (scopes of work) must be submitted to the State Historic Preservation Division for approval. The State Historic Preservation Division must verify in writing that the plan(s) have been successfully executed prior to any land alteration.

3) If burials are discovered during the survey, burial treatment determinations must be handled by the Kauai Island Burial Council. A burial treatment plan shall be prepared for burials, following the procedures outlined in Chapter 6E-43 and that section's accompanying rules. This plan must be executed successfully, prior to any land alteration.

If you have any questions, please call Nancy McMahon 742-7033.

NM:jen

EXHIBIT "D"



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

HRD05/1997

September 6, 2005

Thomas Oi
Kaua'i District Land Agent
Department of Land and Natural Resources
Land Division
P.O. Box 621
Honolulu, HI 96809

RECEIVED
LAND DIVISION
2005 SEP 13 A 8:48
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

RE: Request for the Set Aside of lands in various locations of Kaua'i to the County of Kaua'i for affordable housing purposes, Kaua'i, TMKs: (Kekaha) 1-2-006:018; (Kapa'a) 4-3-007: 007, 008 and 011; 4-6-014:030 and 112; and (Anahola) 4-8-013:013

Dear Thomas Oi,

The Office of Hawaiian Affairs (OHA) is in receipt of your August 12, 2005, request for comments on the above project, which would allow the Department of Land and Natural Resources (DLNR), to set aside approximately 126.18 acres, 85.2 acres of which are ceded, to the County of Kaua'i (County) to use for building affordable housing.

We apologize for our delayed response, and appreciate your understanding of the need for extra time in evaluating this proposition, both because of OHA's strong interest in affordable housing and ceded lands issues, and our delay in receiving the proposal. It was initially sent to our Kaua'i office, and our Community Resources Coordinator then kindly sent it to the Honolulu office that is charged with commenting on all such proposals. Please, in the future, send all DLNR, Land Division, Kaua'i District proposals to OHA's Honolulu office for review to ensure more timely and thorough reviews and responses from this office. OHA offers the following comments.

EXHIBIT E

OHA understands that the intent of this proposed transfer of lands is to provide more affordable housing for Kaua'i – a concept that we support. Indeed, one of OHA's strategic goals and interests is to provide affordable housing for homeless, working class and elderly Hawaiians.

Because some of these lands are ceded, however [TMKs 1-2-006:018 (Waimea); 1-2-002:032 (Kekaha); 4-6-014:030 (Kapa'a); and 4-8-013:013 (Anahola)], OHA has concerns. The County of Kaua'i should be aware of OHA's interest in ceded lands and in our interest in providing affordable housing for the Hawaiians of Kaua'i. Thus, the County should have consulted with us before requesting the transfer of any ceded lands, and OHA should be part of any such agreement and the planning process. We, for example, would like to see that at least 20 percent of all affordable housing on ceded lands be set aside for Hawaiians, particularly those with less than 50 percent blood quantum, who would not qualify for Hawaiian Home Lands.

OHA also questions what parameters will be in place to assure that these homes really are "affordable." We note that no definition of "affordable" is in the proposal, and, even though a land transfer would not be cost prohibitive to the County, it is unclear from the proposal how expensive infrastructure and construction would be, and how those factors would affect the cost of the housing. Equally, will there be restrictions in place for re-sale/leasing that will maintain these homes within the realm of affordable housing? OHA cannot, in good conscience, agree to such use of ceded lands without more descriptive plans and explanations of restrictions and costs.

Furthermore, the language of Mayor Baptiste's proposal and the draft Executive Order also concerns OHA. On page 2 of the Draft Executive Order, the second paragraph reads:

FOR COUNTY OF KAUA'I AFFORDABLE HOUSING PURPOSES, to be under the *control and management* of the County of Kaua'i, a political subdivision of the State of Hawai'i, being the following parcels of land . . .
(emphasis added).

While we may be able, after proper consultation, to acquiesce to a transfer of management of the lands to the County, we cannot agree to the transfer of control over any ceded lands. Such language could be interpreted as allowing the County to alienate said property.


OHA expects that the County will be willing to work with us and involve us in the planning process for such proposed development on ceded lands, and we look forward to working with both the County and DLNR on this proposal.

Thank you for the opportunity to comment, and for your kind assistance in both answering our questions about this proposal and allowing us a time extension for our written responses to the

Thomas Oi
September 6, 2005
Page 3

proposal. If you have further questions, please contact Heidi Guth at 594-1962 or e-mail her at heidig@oha.org.

Sincerely,

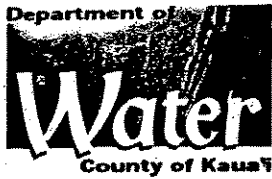


Clyde W. Nāmu'o
Administrator

CC: Mayor Bryan J. Baptiste
County of Kaua'i
State of Hawai'i
4444 Rice Street, Suite 235
Lihu'e, HI 96766

La France Kapaka-Arboleda
Community Resource Coordinator
OHA – Kaua'i Office
3-3100 Kuhio Hwy., Suite C4
Lihue, HI 96766-1153

EXHIBIT "E"



Water has no substitute.....Conserve it

RECEIVED
LAND DIVISION

2005 AUG 29 A 9 36

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

August 26, 2005

Mr. Thomas Oi
State of Hawaii, DLNR
P.O. Box 621
Honolulu, HI 96809

05KD 190

Dear Mr. Oi:

Subject: County of Kauai's Request to Set Aside State Lands to the County of Kaua'i for Affordable Housing Purposes, TMK: 1-2-06:018, TMK: 1-2-02:032, TMK: 4-3-07:007; 008; 011, TMK: 4-6-14:030; 112, and TMK: 4-8-13:013, Kaua'i, Hawaii

This letter is in response to your August 12, 2005 Memorandum.

The applicant is made aware that any actual subdivision or development of these areas will be dependent on the adequacy of the source, storage, and transmission facilities existing at that time.

If you have any questions, please contact Mr. Keith Aoki at (808) 245-5418.

Sincerely,

Gregg Fujikawa
Chief of Water Resources and Planning

KAM:ll
DLNR county affordable housing 25-354

EXHIBIT F